liberation is not enough

the kamaiya movement in nepal

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fighting poverty together

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fighting poverty together

actionaid
nepal

Dilli Raman Regmi Kalyani Regmi Memorial Library
1997
Kathmandu, Nepal
Acc No
4083

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First edition: December 2005

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Published by
ActionAid International Nepal
Lazimpat, Kathmandu, Nepal
Tel: 977-1-4436477
Email: mail.nepal@actionaid.org
Website: www.actionaid.org/nepal

305.568
AC85L

ISBN: 99946-800-2-1

Printed in Nepal by Jagadamba Press

Price: Rs 300 in Nepal, Euro 10, and US $ 12 abroad

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PREFACE

Enslaving people is a crime against humanity. The Kamaiya were bonded for generations. The Kamaiya liberation movement was central to freeing the Kamaiya from bondage and rehabilitating them. They were liberated by the concerted efforts of the Kamaiya themselves, civil society, the media and the political parties.

The government declared the Kamaiya free on 17 July 2000. The Kamaiya system was abolished, the Kamaiya were freed and their debt written off. The government also promised to rehabilitate all the freed Kamaiya by mid-January 2001. But rehabilitation is still an issue of continuing importance.

Initiating a movement and steering it to a logical conclusion is challenging. The campaign was successful in liberating the Kamaiya, but weak in ensuring their right to appropriate rehabilitation to secure their basic needs and human rights. Rehabilitation was not systematic or effective. Right from identifying ex-Kamaiya, to classification, issuing identification cards, to support for resettlement, the list of avoidable errors is long. It is the responsibility of the government to properly rehabilitate the freed Kamaiya.

This book is to document past approaches, the Kamaiya liberation movement and to identify important learning. Using these lessons and other case studies as a guide, development practitioners will be better informed in developing and planning rights-based activities. It is written from a human rights perspective. The analysis is guided by human rights values and principles.

This book is a short history of the still ongoing process of how the Kamaiya system of bonded labour got entrenched in Nepal, the liberation movement, and the challenges of relief, rehabilitation and social reconstruction, tracking the advocacy component of ActionAid Nepal within the overall external environment. It is not a comprehensive history of the Kamaiya movement.

The Kamaiya liberation process has important lessons for similar communities all over the world, and most of all for Nepal itself where the task of Kamaiya liberation is incomplete—where 'Liberation is not enough.'

I believe this book is an important contribution to understanding the Kamaiya movement. It gives insights to the bonded labour system, emancipation of the Kamaiya and the challenges faced during, pre- and post-liberation.

I would like to thank Anita Cheria, Edwin, Nanda Kumar Kandangwa and Khemraj Upadhyaya for co-authoring this book 'liberation is not enough'.

Dr Shibesh Chandra Regmi
Country Director
ActionAid Nepal
December 2005

ACKNOWLEDGEMENTS

This document, like the process it seeks to record, is the outcome of the work of many. Many gave freely of their time and resources, information and material. This book is a combination of a compilation, research, analysis and synthesis. There was much to learn from individual and group interviews and from already existing and published material. The response we got went far beyond cooperation to active engagement, support and encouragement. Words are insufficient to express our gratitude. We thank them all. We have credited them where possible, honouring their requests for low profiles where necessary. Omissions are due to ignorance and lack of information, being fully conscious that some will invariably be left out in a campaign as rich as this. Our apologies.

From the *Freed Kamaiya Society,* we met Central Committee General Secretary Pashupati Chaudhary, Vice-chairperson Moti Devi Chaudhary, Treasurer Shukdaya Chaudhary, and Member Pushpa Chaudhary, Kailali District Chairperson Nathu Ram Kathariya, Vice-chairperson Sita Ram Chaudhary, Treasurer Khoj Ram Chaudhary, Banke District Chairperson Hari Prasad Chaudhary, Secretary Ram Prasad Chaudhary and Kanchanpur Chairperson Nim Bahadur Chaudhary; G B Adhikari, Dyuti Baral, Ghanashyam Chhetri, Keshav Gautam, Shekhar Ghimire, Anil Pant, Narbikram Thapa, Binod

Timilsena, Indra Rai, Laya Prasad Uprety, *ActionAid Nepal*; Dilli Chaudhary, Yagya Raj Chaudhary, Ram Das Chaudhary *BASE*; Saroj Pokhrel, Ganapati Dhungel, *FAYA Nepal,* Jyoti Lal Ban, *GRINSO*; Kapil Silwal, *GTZ*; Uddhav R Poudyal, Prakash Sharma, Deepak Adhikari, *ILO*; Prem Parajuli and Indira Phuyal, Khadak Raj Joshi, Sushil Chaudhary, Bimal Chandra Sharma, Meena Paudel, Prabha Shah, *INSEC;* Seira Tamang, Bhaskar Gautam, *Martin Chautari;* Binaya Dhital, *MS Nepal;* Sushil Pyakurel, *NHRC;* Rup Singh Sob, *NNDSWO;* Netra Upadhyaya, *Plan International;* Govind Mishra, Bal Krishna Chaudhary, *RRN;* Dinesh Prasad Shrestha, *RKJS;* Bharat Devkota, *Save the Children;* Hem Raj Pant, Campus Chief of Dhangadhi Campus, Santa Bahadur Karki, *ex-Chairperson, Geta VDC;* Man Kumar Shrestha, Coordinator, Kamaiya Programme, *Ministry of Land Reforms and Management, and* Bijaya Bhattarai, Secretary, *Ministry of Land Reforms and Management*. All were told at the outset that we were writing a book. Given organisational sensitivities, they were assured of confidentiality, and that they would be quoted only with their consent. A copy of the draft was provided to them for approval. The corrections of those who responded are incorporated.

Shyam Shrestha, Anita Shrestha, Kalpana Thapa and Pramila Bajracharya from *ActionAid Nepal,* and Saroj Pokhrel from *FAYA Nepal* provided the much needed, and critical, logistic support.

Yuba Raj Ghimire, a senior journalist, did the peer review and gave critical comments on the first draft. Ram Sharan Sedhai, Senior Communications Officer, ActionAid Nepal, copyedited the book and coordinated its publication. Dyuti Baral initiated the process and put us in touch with key people. Dr Shibesh Chandra Regmi, Country Director, ActionAid Nepal, chipped in at critical moments. 'Thank you' is so inadequate.

There are many who were involved in the process—from the trade unions, to the NGOs, INGOs, the media, and individuals—who played important roles in liberation and the continuing rehabilitation. We were twice removed from the movement—both by time and geography. Field trips were limited, and cut short, due to the contemporary political situation. Despite these limitations, we have tried to make this book as comprehensive as possible, meeting people and reviewing existing literature. We have compiled and built on each of these sources. However, the distance gives a wider disinterested perspective. It is our hope that others will freely build on this work too, and reconstruct a more comprehensive, more definitive history of the movement.

Life is to live, enjoy and celebrate. If this book helps inspire more on to the path of justice and human rights, to liberate more based on the Kamaiya experience, so that more people can celebrate life, our purpose will be fulfilled.

Anita Cheria and Edwin with Nanda Kumar
Kandangwa and Khemraj Upadhyaya
Bangalore, India 23 August 2004

GLOSSARY

Word	Meaning
Ailani	Barren 'unregistered' land, under ownership of the government, also called Parti Jagga.
Andolan	Movement.
Bali Bigha	[Sometimes called Bigha] Land set aside for cultivation by the Kamaiya, from which the Kamaiya could take the full produce. Normally it was ten katta. Though initially one Bigha, it later became just half a 'normal' Bigha.
Balmansar	Tharu leader, usually selected for one year, at the time of Maghi.
Bhota/Sauki	Loan borrowed by a Kamaiya from his master. Sauki has variant forms.
Bigha	A certain proportion of land [often ten to twenty percent of the total land cultivated] given to the Kamaiya to cultivate and consume whole production of that land in return of work done by him. It could, by extension, mean the produce of the Bali Bigha. This is a

	corruption of the land measurement unit where 1 Bigha = 20 Katta = 72,900 square feet. It later came to mean any payment in kind made to the Kamaiya.
Bikram Sambat	The official calendar of Nepal. It is 56 years and 8 months ahead of AD. The Bikram Sambat calendar was started in 57 BC by King Bikramaditya in India. See explanation for abbreviation of BS on details on how it meshes with the Gregorian Calendar. A tool for conversion from AD to BS and vice versa is at http://www.rajan.com/calendar/ .
Birta	The private collection of tax from land gifted to the royal retainers by the king.
Bora	Terms of wage payment in kind, a Bora is equivalent to 75 kilograms of paddy.
Bhaisbar	Buffalo herder. Bhaisbar has variant forms.
Bukra	A hut provided by the Kamaiya lord to his Kamaiya for use only during the time the Kamaiya is bonded.
Bukrahi	Female member of the family working for the landowner with her husband or any male member of the family [earlier young bride].
Charuwa	Cattle herder.
Chhegrawa	Goat /cattle herder.
Chaukur or Chaumali	25 percent of the production.
Chheuti	A kitchen garden provided to the Kamaiya family for use only during the time of their 'contract'.
Gaibar	Cattle herder.
Ghardhuriya	Male head of the family.
Ghardhurinya	Female head of the family. Ghardhurinya has variant forms.
Gherau	Encircle, lay siege to; often as a form of protest.

Gothalo	Cattle herder.
Hali	The tiller on wage mostly in permanent contract with the land owner.
Haliya	A tiller on contract.
Halo	The plough to cultivate land with the help of oxen.
Haruwa	The tiller on wage mostly in permanent contract with the landowner.
Jamindar	Landlord, who often kept Kamaiya. Jamindar has variant spellings.
Kalapani	The forest areas were called as Kalapani where malaria was widespread.
Kamaiya	Adult male member working for the landlord.
Kamlahari	Female Kamaiya working for the landlord.
Katta	A measurement of land approximately 1/30 of a hectare.
Khaurahi	Food advance given to the Kamaiya by the Kamaiya lords, as loans before harvest.
Khel	Association of the heads of families. It is the indigenous Tharu self-governing body.
Kisan Hakhit Samrakshan Manch	Forum for Protection of Farmers' Rights.
Kodalo	A hand equipment for cultivating.
Kolkaha	The portion of the agricultural produce set apart for unmarried women in Tharu families.
Kothari	A person kept by the landlord to look after the land and production.
Khojani Bhojani	Process of negotiation between the Kamaiya and Kamaiya lord to modify the existing terms and conditions. This took place annually at Maghi. Khojani Bhojani has variant forms.
Lalpurja	Land ownership certificate.

Lahure	Twenty percent of the production, supposed to be given to the sharecropper.
Maghi	A great festival of the Tharu in January. Later, during the Kamaiya period, they were bought and sold on this day.
Malik	'Lord'. The Kamaiya lord was called Malik by the Kamaiya in Dang district. In all others the Kamaiya lords are called either Jamindar or Zamindar.
Maseura	The food given to a Kamaiya, both food provided to him at his master's kitchen and includes grain along with pulse, salt, oil etc. given to him for food. In some places the wage of the workers were also included in Maseura.
Muluki Ain	Civil Code.
Naya Muluk	Literally new country. Present day Banke, Bardiya, Kailali and Kanchanpur districts, returned by the British to Nepal in 1860.
Organi	Girls working at others' place. Organi has variant spellings.
Pahari/Pahariya	People from the hills.
Panchkur	One fifth [twenty percent] of the production. Panch = five.
Parti Jagga	Fallow 'unregistered' land, under ownership of the government, also called Ailani.
Prathinidhi Sabha	House of Representatives, the lower house of parliament.
Rastriya Sabha	National Assembly, the upper house of parliament.
Sapati	Loan from relatives or moneylenders by a Kamaiya.
Sauki/Saunki/Bhota	Loan borrowed by the Kamaiya from the landlord that kept them bonded.
Shighra Kariya	

Sampadan Samiti	Quick Decision Committee.
Sukumbasi	People having no official land title documents and therefore considered as 'squatters' on public land.
Terai	Plains.
Tharu	An ethnic group of the Terai—plains—in Nepal. Most Kamaiya came from this community. The Tharu are present in contiguous areas across the border in India also. There are many theories as to how they got the name Tharu, and where their 'original' homeland was. For the purpose of this narrative, these theories are not relevant.
Tikur/Trikut	One third. In this context it refers to the portion of the production which a Kamaiya was entitled to get in return for his work in that field from the beginning to the end [Land preparation from sowing to harvest] i.e. when he worked as a sharecropper.
Zamindar	Land/Kamaiya lord [except in Dang district, where Malik is used].

MEASUREMENTS

Unit	Measure
1 Acre	43,560 square feet
1 Bali Bigha	10 Katta
1 Bigha	[see glossary for additional meanings]
20 Katta	72,900 square feet = 1.673 acre = 0.6773 hectare
3 Bigha	2 Hectares [approx]
1 Dhur	0.05 Katta
1 Hectare	107,640 square feet
1 Katta	3,645 square feet = 20 Dhur
1 Nalli	0.01 Hectares = 0.03 Acre
1 Quintal	100 kilograms
1 Ropani	5,476 square feet

ABBREVIATIONS AND ACRONYMS

Abbreviations and Acronyms	**Full form**
AAN	ActionAid Nepal
ADRA	Adventist Development and Relief Agency
AIN	Association of International NGOs, Nepal
ALA	Agricultural Labour Association
BASE	Backward Society Education
BCD	Boat for Community Development
BS	Bikram Sambat, the official calendar of Nepal. It is (approximately) 56 years 'ahead' of the Gregorian Calendar from January to mid-April, and 57 years ahead the rest of the year. An approximation would be AD 2000 = BS 2057; BS 2047 = 1990 AD. The year starts in mid-April with the month of Baisakh, followed by Jestha, Ashadh, Shrawan, Bhadra, Ashwin, Kartik, Mangsir, Poush, Magh, Falgun, and Chaitra. Some indicative dates are: 1 May 2000 = 19 Baisakh 2057, 1 June 2000 = 19 Jestha 2057, 1 July 2000 = 18 Ashadh 2057, 1 August 2000 = 17 Shrawan 2057. All the lunar months have 30 days each.
CBS	Central Bureau of Statistics
CCS	Creation of Creative Society
CDB	Cotton Development Board

CDO	Chief District Officer
CeLRRD	Centre for Legal Research and Resource Development
CLFKRCC	Central Level Freed Kamaiya Rehabilitation and Coordination Committee
CPI	Consumer Price Index
CPN–UML	Communist Party of Nepal [Unified Marxist-Leninist]
CPN [M]	Communist Party of Nepal [Maoist]
CSO	Civil Society Organisation [includes NGOs, INGOs and other citizens' groups]
DAO	District Administration Office
DDC	District Development Committee
DECONT	Democratic Confederation of Nepalese Trade Unions
DFID	Department for International Development of the Government of the United Kingdom
DLFKRCC	District Level Freed Kamaiya Rehabilitation and Coordination Committee
DLO	District Labour Office
DLR	Department of Land Reforms
DLRO	District Land Reforms Office
DOCFA	Dominated and Oppressed Community for Awareness
ECARDS	Ecology, Agriculture and Rural Development Society
FAWN	Federation of Agricultural Workers, Nepal
FAYA	Forum for Awareness and Youth Activities
FKFSP	Freed Kamaiya Food Security Project
FWP	Food for Work Programme
GDP	Gross Domestic Product
GEFONT	General Federation of Nepalese Trade Unions
GGJS	Geruwa Gramin Jagaran Samiti [Geruwa Rural Awareness Association.]
GRINSO	Group for International Solidarity
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit. In English: German Technical Cooperation Agency

HKI	Helen Keller International
HRBA	Human Rights-based Approach
HRJM	Human Right Jagaran Manch
HURPEC	Human Rights and Environment Protection Centre
HURASDC	Human Rights, Awareness and Social Development Centre
ICDP	Integrated Conservation and Development Project
IFAD	International Fund for Agriculture Development
ILO	International Labour Organisation
ILO–IPEC	ILO–International Programme for Elimination of Child Labour
INGO	International Non-government Organisation
INSEC	Informal Sector Service Centre
Kamaasu	Popular short form for Mukta Kamaiya Digo Bikaas Kamaasu
KPUS	Kamaiya Pratha Unmulan Samaj. In English: Kamaiya System Eradication Society
KAPS	Popular usage of Kamaiya Andolan Parichalan Samiti
KCG	Kamaiya Concern Group. In Nepali: Kamaiya Sarokar Samuha
KLF	Kamaiya Liberation Forum [See KMM]
KLAC	Kamaiya Liberation Action Committee
KLMMC	Kamaiya Liberation Movement Mobilisation Committee [See KMAPS]
KMAPS	Kamaiya Mukti Andolan Parichalan Samiti. In English: KLMMC
KMC	Kamaiya Movement Committee. In Nepali: Kamaiya Andolan Kamiti
KMM	Kamaiya Mukti Manch. In English: Kamaiya Liberation Forum
KSS	Kamaiya Sangharsha Samiti
LOC	Land Ownership Certificate
LRC	Land Registration Committee

LWF	Lutheran World Federation
Maoists	Popular short form for the members of Communist Party of Nepal [Maoist]
MKDBK	Mukta Kamaiya Digo Bikaas Kamaasu
MoLRM	Ministry of Land Reforms and Management
MP	Member of Parliament/Member of Prathinidhi Sabha, the lower house of representatives
MS Nepal	Mellemfolkeligt Samvirke–Nepal. In English: Danish Association for International Cooperation
MST	Movimento dos Trabalhadores Rurais Sem Terra, the movement of landless people in Brazil
NC	Nepali Congress
NEWAH	Nepal Water for Health
NFE	Non-formal Education
NGO	Non-government Organisation
NHDR	Nepal Human Development Report
NHRC	National Human Rights Commission
NLA	National Labour Academy
NNDSWO	Nepal National Dalit Social Welfare Organisation
NNSWA	Nepal National Social Welfare Association
NYOF	Nepalese Youth Opportunity Foundation
PRA	Participatory Rural Appraisal
PRAD	Policy Research and Advocacy Department [in ActionAid Nepal]
PPP	Purchasing Power Parity. Used to compare the purchasing power of per capita income of different countries, in dollar terms
RBA	Popular short form for (Human) Rights-based Approach
REFLECT	Regenerated Freirian Literacy Through Empowering Community Technique
RKJS	Radhakrishna Tharu Jan Sewa Kendra
RPP	Rastriya Prajantra Party, a royalist party whose main constituency are the beneficiaries of the former Panchayat system. In English: National Democratic Party or NDP

RRN	Rural Reconstruction Nepal
SAP/N	South Asia Partnership, Nepal
SC–US	Save the Children–United States of America
SPACE	Society for Participatory Cultural Education
SSSA	Sukumbasi Samasya Samadhan Aayog [Squatters' Problem Resolution Commission]
SWOT	An analytical tool to assess Strengths, Weaknesses, Opportunities, and Threats
TWUC	Tharu Women Upliftment Centre
UK	United Kingdom
UML	Popular short form for Communist Party of Nepal [Unified Marxist-Leninist]
UN/UNO	United Nations Organisation
UNICEF	United Nations International Children's Emergency Fund
US/USA	United States of America
USAID	United States Agency for International Development
VDC	Village Development Committee. The local elected administration and the area under its jurisdiction. Nepal has 75 districts, 3,915 VDCs and 58 Municipalities. Each VDC is divided into nine wards and comprises many villages.
VSRF	Village Self-reliance Fund
WFP	World Food Programme
WTPAP	Western Terai Poverty Alleviation Project

CHAPTER 1

Introduction

On 1 May 2000, nineteen agricultural bonded labourers, 'Kamaiya', of Nepal's far western Kailali district walked into the Geta Village Development Committee [VDC] Office with Yagya Raj Chaudhary. They filed petitions with the local government seeking freedom from bondage under their Kamaiya lord former Minister for Forests and Soil Conservation Shiva Raj Pant. It was the death knell for an exploitative system that often held generations captive in virtual slavery.

Their courage launched a flood of more than 1,400 similar petitions for freedom within two months—and resulted in a proclamation freeing all bonded labour in Nepal on 17 July 2000. This spectacular disintegration of an entrenched state-supported and socially sanctioned tradition in just 77 days was a result of a lot of painstaking work behind the scenes. This almost 'overnight success' was the result of about a decade of preparation.

According to a government study[1] there were 15,152 persons working under the Kamaiya system of bonded agricultural labour with 83,375 persons directly affected in the mid-1990s itself. The government was aware of the scope of the problem for many years. The government identified these 15,152 Kamaiya in the region—recording their names, locations, and debt—but did little to free the Kamaiya or prosecute Kamaiya lords for more than five years. Political and economic pressure successfully stifled attempts by the Kamaiya to break free. Dependent upon the political support of the powerful Kamaiya lords, the government tacitly supported this inhuman system, neither freeing the Kamaiya nor punishing Kamaiya lords—despite the Nepalese Constitution and the National Civil Code clearly outlawing bonded labour and other slave-like practices and systems.

Working for Kamaiya development

For many years, about 20 civil society organisations worked for the Kamaiya in the traditional development mode. The approach assumed that the problem of bonded labour simply stemmed from the Kamaiya's lack of awareness, education and alternative employment. The traditional development project approach ignored the unequal power relationships and the exploitation of the bonded labour system and began to try to rehabilitate the Kamaiya before they were free. No petitions for freedom were filed using the existing law—in which bonded labour was already illegal—to tackle the root of the problem.

The response therefore was promoting literacy, savings and credit groups, income generation programmes and literacy classes. The programmes were defined by outside actors such as funders and Non-government Organisations [NGOs], based on the belief that the Kamaiya themselves were somehow 'backward' and therefore, in a roundabout way, to blame for their exploitation. This premise led to the programme assumption that the means to free themselves lay in self-improvement. The problem of victim blaming was exacerbated because Civil Society Organisations [CSOs] were led, and most often staffed, by the 'educated' and 'high caste' communities. These leaders at least unconsciously developed programmes based on the prevailing assumption. Even organisations led and staffed by Tharus, the community to which most Kamaiya belonged, were drawn into the traditional development model. The Kamaiya, in turn, internalised this perception.

Kamaiya lords initially felt threatened by the work of local NGOs, and some even protested when programmes were started for the

Kamaiya or their families. However, their protests soon died down. When it became clear that the projects posed no significant threat to traditional power relations, the Kamaiya lords even began to support the work.

The programmes only addressed the superficial level of the problem. Poverty continued. These programmes did little or nothing to restore the Kamaiya's right to freedom. Few Kamaiya could escape bondage because of development activities.

Towards a human rights-based approach

For several years, ActionAid Nepal [AAN] had been supporting general development activities in the far western region, some of which aided the Kamaiya. However, AAN began to reappraise the Kamaiya system as AAN began shifting towards a human rights-based approach [HRBA]. Aware that the traditional service delivery approach had failed to create change, AAN staff identified the issue for an HRBA initiative in 1997. Consequently, AAN provided ongoing capacity building and strategic support to local leaders and organisations on HRBA work—assistance that significantly helped support the emergence of a movement.

The movement had many diverse constituents, with complementary and supplementary functions. AAN nurtured alliances, working on its own where necessary, working in concert with others when possible, to build support systems and shape the environment for eventual freedom. This took a better part of two years before the Kamaiya themselves were ready to act.

The process is a tribute to the nascent democratic culture of Nepal—then about a decade old—and the responsiveness of the state. With all the problems to address in building and consolidating democracy, it is to the credit of Nepal and her people that issues of the most vulnerable are simultaneously addressed.

The freedom movement

There were many petitions, protests and demonstrations against the inhuman system in many places. On 1 May 2000 petitions were filed in many different VDCs.

Though sympathetic to the cause, Santa Bahadur Karki, Chairperson Geta VDC, could not decide on the case and forwarded it to the Chief District Officer [CDO] at Dhangadhi. The CDO refused to register the petition. The NGOs and the Kamaiya decided to pressure the CDO to register it. NGOs working directly with the Kamaiya decided to organize a 'sit-in.' The Kamaiya Sangharsha Samiti [KSS] was formed. The KSS declared various protest programmes to secure freedom from debt and bondage, labour compensation, minimum wages and rehabilitation of the Kamaiya.

During the movement, the KSS organised a big rally. The senior political leaders of the Nepali Congress Party [NC], Communist Party of Nepal–Unified Marxist-Leninist [CPN–UML], human rights activists and NGO representatives participated. On the same day, rallies were organised in the five districts where the system was prevalent.

Liberation!

After a long struggle, the District Development Committee [DDC] Chairperson, CDO, Kamaiya and NGO representatives and national political parties' leaders sat together and came to a consensus to distribute three katta of land for the Kamaiya who started the movement in Kailali district. Though this was not implemented—the government took the position that it was only a recommendation—the news spread all over the five districts where the Kamaiya system prevailed. Many other Kamaiya filed petitions. The KSS formed a Kamaiya Mukti Andolan Parichalan Samiti [KMAPS].[2]

Finally, KMAPS and KSS decided to go all the way to the national capital Kathmandu and enter the prime minister's office at Singha Durbar while the parliament was in session. When they tried to enter the parliament on 17 July 2000, the police arrested some of the activists. Within the parliament, the opposition parties threatened deadlock until Kamaiya liberation was declared. The government succumbed, and declared the Kamaiya liberated from the Kamaiya lords and free from debt bondage. Any person keeping Kamaiya or bonded labour would be imprisoned for three to ten years from then on.

Backlash

Within hours of the announcement, some ex-Kamaiya lords chased the Kamaiya from their house without giving due wages or their belongings. The ex-Kamaiya came out and stayed under the open sky in the midst of the monsoon rains. KSS set up camps for temporary shelters. Civil Society Organisations [CSOs] supported the freed Kamaiya with food, plastic sheets for roofing and stoves for immediate emergency relief.

The key actors

Successful advocacy—where AAN's and various other agencies' contribution was significant—is only the tip of the iceberg. A lot was done by AAN working in concert with others. Working through partners is one. Working closely with the Kamaiya Concern Group [KCG] is another. Bringing in diverse organisations and individuals has its strengths and weaknesses. With a committed core group providing direction and continuity, the benefits far outstrip the costs. For instance, those specialising in rehabilitation, though uncomfortable at the outset, have been fully involved in the post-liberation phase and have made significant contribution. These multiple expertise networks—bound by common values—is the shape of things required for the increasing complexities of the third millennium—an alliance that spanned the bonded Kamaiya, to global agencies both private and government and ultimately involved the UN itself.

The process has been supported by many different individuals and organisations, for to address the complexities there is a need to 'be everywhere, do everything.' Some of those involved are International Non-government Organisations [INGOs] such as AAN, ADRA Nepal, CARE Nepal, DANIDA, GTZ, HKI, Lutheran World Federation, MS Nepal, OXFAM, Plan International, SEEAP Nepal and SC–US; multilateral agencies UNICEF, DFID, ILO, IFAD and WFP; NGOs such as: AFA, BASE, BCD, CeLRRD, CIVICT, CCS, DECONT, DOCFA, FAYA, GGJS, GRINSO, HRJM, HREPC, HURASDC, JAS, KUPS, Manav Adhikar Samiti, Martin Chautari, NEWAH, NNDSWO/TECOFAT, NNSWA, NYOF, RKJS, RRN, SAFE, SPACE and TWUC, ALA, INSEC, GEFONT, KMM, Mukti Parishad, Sukumbasi Utthan Samaj, FAWN, trade unions and political parties. Even the District Land Reforms Office [DLRO] was involved in Banke and Kailali.

The liberation movement was helped directly by the restoration of democracy in 1990, which opened up significant civil society space, and released energies that could be turned to social reconstruction. It was the indirect—and unintended—beneficiary of the Kanara Andolan and the movement of the Communist Party of Nepal [Maoist], CPN [M]. Though this book does not focus on them, due credit and recognition must be given to these multiple, sometimes overlapping, historical processes.

The continuing task

Social transformation—especially restitution of justice—is a slow and torturous process, more so for societies in transition. This is compounded by the rapid pace of global change. The situation is still not optimal, and there are miles to go before justice will be fully secured for the ex-Kamaiya. For this reason, though the successes are many, the unfinished tasks are highlighted.

All movements go through vicissitudes, and a period of stagnation, especially after major victories. The role of external supporters is to keep up morale and momentum, and to ensure consolidation of the gains. This consolidation is a difficult task for movements, since they build their initial systems for protest—breaking new ground—and not for consolidation or rehabilitation. This transition needs new skill sets and mindsets. It needs different systems to be created, and different institutions of the poor with new ethos appropriate to the new situation to be created. This is a continuing task—primarily of the state and the Freed Kamaiya Society [FKS], and of their supporters.

Though liberation was declared on 17 July 2000, four years on, rehabilitation has been tardy at best. FKS demands at least ten katta land for each ex-Kamaiya family. They also demand that the government not insist on the recommendation of the ex-Kamaiya lords for issuing ex-Kamaiya identification cards. The road to ensuring life with dignity of the ex-Kamaiya is a long one. They are yet to lead a life with dignity. Even so, the Kamaiya liberation process has important lessons for similar communities all over the world, and most of all for Nepal itself where the task of Kamaiya liberation is incomplete.

Several other communities—specially those suffering under the Hali, Haliya, Khali, Doli, Gothala and Bali systems—await similar intervention. The law does prohibit such systems, but the practice continues. It needs concerted citizens' action to ensure enforcement. It is our hope that the Kamaiya liberation process helps in their liberation too, leading to a world that we can all be proud of living in.

A note on the language and style

This book is to document past approaches, the Kamaiya liberation movement and to identify important learning. Using these lessons and other case studies as a guide, development practitioners will be better informed in developing and planning HRBA activities. It is important to understand the core values within HRBA. It does not imply that all NGOs, development agencies and communities start direct confrontation of violence. The crux is to identify the root causes of poverty and address them.

There is an indigenous system of reciprocal labour, and terminology within the Tharu community that has similar terms and references. Throughout this book, the Kamaiya system refers to the system of agricultural bonded labour, not to the indigenous cultural practice.

Nepal has a wealth of NGOs. They span the entire spectrum from local organisations, regional, national and international organisations. For the sake of simplicity, we club them all under CSOs, when all are meant together rather than the more cumbersome conventional usage: I/NGO. Where we mean NGOs or INGOs, we use the appropriate term.

The term Tharuwan denotes the Tharu land. It has a politically loaded connotation within the present political context of Nepal. We use it in a positive sense which does have political, social and cultural overtones, but is not exclusivist.

The use of 'Kamaiya lord' is to make the distinction between them and landlords. All Kamaiya lords were landlords. Not all landlords were Kamaiya lords.

In the use of abbreviations and acronyms, the popular usage is favoured. For instance, in most cases we use the abbreviation drawn from the Nepali name, such as KMAPS for *Kamaiya Mukti Andolan Parichalan Samiti*, rather than translating that into English as Kamaiya Liberation Movement Mobilisation Committee and then using the abbreviation KLMMC. However, instead of KSS for *Kamaiya Sarokar Samuha,* we use KCG for its English translation 'Kamaiya Concern Group' because KCG was the abbreviation more used by those in the movement. Nepali words are not italicised, but are explained at their first use and in the glossary.

References are given in full as notes the first time. Subsequently, they are shortened. References from books have page numbers while those from articles do not. They are given in full in the chapter on 'references and further reading'. Notes can be skipped without the risk of missing content. They are put in for reference rather than for the casual reader.

We have made the documentation as close to the 'worm's eye view' as possible. This book is from a human rights perspective. The analysis is guided by human rights values and principles. We apply the same standards—on land for instance—for all sections of Nepali citizens, and let the readers come to their own conclusion as to who is taking sides, and where the bias lies. It is likely to be disturbing for many. We use the 'reversal method': would we like it if the position was reversed? What would be the response of the state if the children of senior bureaucrats were Kamaiya? What if the affected were the 'high caste' landlords? Would the relief and rehabilitation package be different then?

We look at the events from their impact on the most vulnerable—in this case the Tharu and the Kamaiya. However noble the intention, the effect has been poor. The book is not an indictment of people, but of processes of governance and myopic visions of development.

This book is a short history of the still ongoing process of how the Kamaiya system of bonded labour got entrenched in Nepal, the liberation movement, and the challenges of relief, rehabilitation and social reconstruction, tracking the advocacy component of AAN within the overall external environment. It is not a comprehensive history of the Kamaiya movement.

It situates the Kamaiya system and movement in context, navigating the different shades of grey. It does not portray the contemporary situation in black and white. Where seemingly so, it is due to the exigencies of narration, which has to be necessarily lineal and sequential. It is a limitation of language rather than intention.

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[1] Shrestha K P, Shrestha N L, *Summary Report on the Socio-economic Status of Kamaiya*, Ministry of Land Reforms and Management, Government of Nepal, November 1999.

[2] In English: Kamaiya Freedom Movement Mobilisation Committee.

APTER 2

The context

Nepal and her people

Nepal is a landlocked country nestling in the Himalayas with a population of 26 million.[1] Apart from the four major Hindu castes and sub-castes, Nepal has 13.6 percent Dalits. There are about 60 indigenous groups called 'Janajatis' who form about a third[2] of the population.

Nepal is a relatively big country geographically, covering 147,181 square kilometres of land. Nepal can be divided as the Terai—the relatively flat river plains of the Ganges—in the south, the central hill region, and the rugged Himalayas in the north. It is placed strategically between China and India and has eight of world's ten highest peaks, including Sagarmatha[3]—the world's tallest—on its border with China.

Nepal has a bicameral parliament consisting of a Rastriya Sabha[4] and a Pratinidhi Sabha.[5] The Rastriya Sabha has 60 seats. Of them, the Pratinidhi Sabha appoints 35, the king nominates ten, and an electoral college [drawn from different geographic and administrative regions] elects 15. One-third of the members are elected every two years to serve six-year term. The Pratinidhi Sabha has 205 members who are directly elected for a five-year term. Administratively, Nepal is divided into 5 development regions and 75 districts. These 75 districts are further divided into 3,915 VDCs and 58 municipalities.

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Nepal is rich in natural resources. While Nepal is termed one of the poorest countries in the world, in terms of water resources it is second only to Brazil with about 200 billion cubic metres of water flowing through its rivers every year. It has the capacity to produce electricity equivalent to that of Mexico, the USA and Canada combined. However, unequal treaties force Nepal to sell much of its water to India at give-away prices. Meanwhile, 40 percent of the rural population in Nepal lack regular supplies of potable water. Only about 10 percent of the country has access to hydroelectric power.

Agriculture contributes about 41 percent to the Gross Domestic Product [GDP], with industry providing 19.5 percent and services about 40 percent. With a per capita income of just US $ 210 [PPP$ 1,186] 45 percent are below the absolute poverty line. Agriculture provides employment and livelihood for about 80 percent of the workforce.[6]

The bottom 40 percent of agricultural households work on only nine percent of the total agricultural land area, while the top six per cent occupy more than 33 percent of all agricultural land.[7] Others estimate that the top three percent of the population own 40 percent of the land.[8]

Poverty

The creation and maintenance of poverty in Nepal is by a similar process as in the rest of South Asia, which is home to the largest population of absolute poor in the world. A historic coalition of the landowning class, with the military-bureaucratic aristocracy at its helm, dominates the polity of Nepal. The Nepal Human Development Report [NHDR] even states rather sweepingly that poverty in Nepal is created and maintained by the non-formal sources of political power—feudal, mercantile, bureaucratic, military, caste and gender—that collude to resist development.[9]

About 80 percent of the population, most of them self-employed, depend on agriculture as the primary source of employment. However, 69 percent of the agricultural holdings are less than one hectare. Disparities in landholding and income result in the bottom 20 percent of the population getting just 3.7 percent of the national income while the top ten percent claim 50 percent.

With inequality intrinsic to social organisation, endemic poverty is the result. As a rule, based on topography, the Terai of Nepal are, even today, better off than the hills, and geographically the eastern parts of Nepal are better off than the western parts economically and in human development indices. Even in western Nepal, the mid-west is better off than the far west.

In Nepal, the political elite has traditionally been from the eastern regions—which even now is more developed, and has better human development ratings—and from the mountainous regions. This makes Tharuwan, the traditional Tharu lands, doubly disadvantaged—being in the west, and in the plains. It is here that the Kamaiya system of bonded labour flourished.

Manifestations of poverty and the coping mechanisms

With such widespread acute poverty, coping mechanisms reflected the harshness of the environment. Coupled with the combination of martial and agrarian societies, the social structure was highly stratified and religiously sanctioned—be the stratification based on gender, caste or ethnic group. With stratification came the ideological justification for considering and treating those lower down in the social strata as lesser humans. From there, it was but a short step to bonded labour. Distortion of culture and tradition secured the system socially.

The agricultural economy of Nepal's western lowland Terai region was largely supported by the availability of cheap labour created by bonded labour. Once bonded, labourers and, in most cases, their whole family were forced to work for inhumane hours for pay far below the mandated minimum wage. Debts were passed from generation to generation, making escaping the cycle nearly impossible.

Bonded labour systems are inhumane, and inherently oppressive. Bonded labourers lack freedom of mobility, control over and access to funds, independence, and choice about when and how they work. The condition of the Kamaiya was no different. The Kamaiya suffered physical and verbal abuse. Sexual abuse was commonplace. Attempts to escape usually resulted in brutal beatings. Their wives and children also came under bondage in different forms such as Bukrahi, Organiya, Kamlahari, Gaibar, Bhaiswar and Chhegrawa.

Bad as it was, the Kamaiya system was only one among the various forms of bonded labour in Nepal, the others being Haliya, Doli, Gothala and Bali. About 260,000 people were affected by the Haliya and Haruwa systems.[10]

The Haliya system is practised both in the hill and Terai districts. The prospective employer advances the labourers some money. They must work for him until the money 'advanced' was repaid. They are required to do all the ploughing, and are paid an annual wage, often in the form of crops and sometimes in cash, which is invariably less than the legal minimum wage. The loan amount is much larger than the annual wage, and generally beyond the capacity of the labourers to repay, leading to debt bondage.

The Haruwa system is practised in the Terai districts, especially in Kapilbastu, Rupandehi, and Nawalparasi. The labourers incur debt, but it is generally paid back within the contract period because Haruwa labourers receive a share of the harvest from the plot of land allocated to them as part of the wage payment. The Haruwa system forces the family members, in particular the wives, to work for the same employer, for a fixed daily wage. Again, these wages are much lower than the market rate. Thus, they have to forego higher wages.

The Informal Sector Service Centre [INSEC] studies revealed that the system of bonded labour was prevalent all across Nepal, with minor variations.[11] What made the Kamaiya system unique was the virtual buying and selling of the Kamaiya—leading to a system that was slave-like, if not actually slavery.

The tide of history

Though the Kamaiya system is said to be started from the 1960s, there has been a slow, long drawn out process of dispossession that led to the situation of bondage for the Tharu. Before going into the intricacies of the Kamaiya system, it would be beneficial to look at the historical process of exclusion that spans well over a century right from the mid-eighteenth century. This forms the 'pre-history' of the Kamaiya system.

With the 'unification' of Nepal in the 1760s, the kings of Nepal extended their domain over Naya Muluk, meaning 'new country'. The Tharu land was part of this 'new country', which was considered terra nullius[12] by the rulers, at least as far as revenue was concerned.

Though the Tharu already inhabited the land, the king bestowed the land upon royals, courtiers and other royal staff, for service, patronage and ritual gifts to consolidate his position as king and to increase revenue—both essential for nascent nation building. While the gifts were of different duration and types, the result was that those who got these lands as gifts could get those living on the land to work for them, often extracting labour without pay as 'taxes'. Thus, the indigenous people—the Tharu among them—were transformed from owners to tenants. While this ensured the 'sustainability' of the state, it destroyed the self-sufficient livelihood systems of those already present in these lands, making them vulnerable and finally into slaves.

With intermediaries becoming the norm in extraction of taxes and unpaid labour for the state, the system became more oppressive. Being in close proximity, it became difficult to escape from this frequent extraction. Those who could not pay tax were forced into labour. This slowly degenerated into bonded labour (something like slavery).

With the emergence of the Ranas, land was appropriated even faster. Migrants from India[13] and the hills were brought in to make the land more 'productive' further displacing the indigenous people. The displacement was a conscious process with extra-legal methods and chicanery being used freely. The Tharu and other indigenous communities did not follow a system of written land records for land ownership. The written land ownership pattern was new to them. Innocent of the new system, it was child's play for the worldly-wise immigrants to cheat them of their land. Even till 1972, the shy Tharu from entire villages used to run away on seeing outsiders.[14]

The Tharu were not the only victims of this slow strangulation process. Land was appropriated from other communities such as the Ahir, Kurmi, Gadariya, Koiri, Lohar, Raji and Kumhahar, all of whom became destitute in direct proportion to the prosperity of the migrants.

From Tharu to Kamaiya

When Sir Ronald Ross discovered that the Anopheles mosquito was the carrier of the dreaded malaria virus, leading to his Nobel Prize in 1902 and subsequent cures, little did he know its impact on an unsuspecting population. He was contributing to a process that would lead to the enslavement of hundreds of thousands of people, and their dispossession from their traditional homelands. It would take decades of concerted campaigns to restore their liberty.

Before the eradication of malaria in 1962, the Terai region of Nepal was almost virgin thick natural forest. The Tharu were virtually the sole inhabitants of the Terai. They practised shifting cultivation. The natural calamities of the mid-1950s forced the government to resettle those displaced in the natural calamities there. The government Resettlement Company distributed 4.5 bigha of land and other provisions like rice, oil and ghee[15] to each family. Though not a preferred location, it did open the eyes of the others to the potential of the Terai. When the immigrants came, they forcibly evicted the Tharu from their traditional homelands. The major disincentive was the prevalence of malaria—to which only the Tharu had natural immunity. Rather ironically, the Tharu were used as the vanguard to clear up the virgin forests in this colonisation because of their known resistance to malaria. Once the area was 'developed' the Tharu were pushed out.

With the eradication of malaria, as the result of a concerted programme of the World Health Organisation, the last defence fell. The conquest of malaria resulted in the conquest of the Tharu. The hill people, 'Pahariya', did not have enough land and wanted more. When the Terai became safe, they migrated there, captured the fertile lands and dispossessed the Tharu who were still following their own system of shifting cultivation and had no 'papers' to prove ownership. Coming from a land scarce area, the immigrants were hungry for land—grabbing the maximum possible, far in excess of their needs. The result of this land grab is evident even today, with the Terai having almost a fifth of its landholdings larger than two hectares. The Terai has 19.7 percent of landholdings more than two hectares, compared to 6.6 and 14.1 percent for the less fertile hills and mountains[16] respectively—an indication of greed and iniquitous land relations rather than economic necessity.

Once the immigrants asserted their claim to the land, they brought the Tharu back to work on it, since they had captured such vast tracts of land that they could not work on it by themselves. The Tharu had no choice but to return to the usurpers of the land, for they now had no alternative means of livelihood. The state legalised this usurpation since it brought revenue and consolidated the hold of the ruling elite on the territory.

With the settlement of the outsiders, the Tharu also got organised and agitated. So the government gave them small bits of land. This proved to be their undoing. Word got around that land was available for the asking in Bardiya district and the floodgates of migration opened. Forests were destroyed. The immigrants with their worldly-wise ways and links to the state were able to get their encroachments legalised—to the detriment of the innocent Tharu who were there already.

The rate of migration increased with the land reform programme of 1964, and the Tharu lost whatever little they had left, enslaving thousands and forcing them into inhumane conditions just to eke out their livelihood. Together with the migration came the cultural invasion. The Tharu, the 'hard worker', became Kamaiya, the bonded labourer. The immigrants brought with them the king's taxes in all its fury, and the Tharu, unable to handle the monetised economy and hence unable to pay taxes, were totally dispossessed. Even the 'free' Tharu were never more than a step away from bondage. Expropriation that was part of the earlier royal patronage system became dispossession as the migrants came to stay in the newly malaria-free areas.

The flood of migrants due to these reasons spelt doom for the Tharu. With these developments, Tharuwan became the rice bowl of Nepal. At the turn of the millennium, Terai had a net surplus grain of almost half a million metric tonnes [498,785] while the hills had a deficit of 335,688 metric tonnes.[17] In contrast to the general overall pattern of sparse food sufficient districts in Nepal, these five districts all but Banke are food sufficient.[18] With just 17 percent of the land area of Nepal, the Terai comprises 49 percent of the total agricultural land.[19] With about half the agricultural land in Nepal, in just a sixth of its territory, the Terai is very fertile. Smaller landholdings can fulfil the needs of a family. However, the expectation of smaller landholdings is not fulfilled. As with all areas around the world that are rich in natural resources, it became victim to what is called the 'resource curse'—the global cycle of Riches, Repression and Revolt.

The slow strangulation process

The Kamaiya system did not consume the Tharu and their lands in one go. It did so gradually, in different stages.

Up to 1860: Terra nullius

In this phase, the people were literally 'non-persons'. They were lost, and gained, with the territory. The land, with the non-persons, was lost to the British in 1816, and regained from them in 1861. The process then coopted the Tharu village headman 'Balmansar' and made him the 'Chaudhary'—a tax collector for the king or king's favourite. Even in cooptation, the process was gradual. Subsequently, the process enslaved the community. The system first consumed their land, then the man, and finally the women and children.

1860 to 1930: Immigrants

In this stage, the land was gifted to the royal retainers. The king naturally gave it to those whom he trusted, since these thick forests were a source of trouble: it afforded sanctuary to rebels. Half the Naya Muluk, which included the entire Bardiya district, was gifted as Birta—land from which he could collect tax—to Jung Bahadur Rana.

The retainers did not physically stay here for long stretches of time, coming down to the plains only during winter, which was severe in Kathmandu valley. Two of the prominent disincentives were the harsh environment, which included malaria and, being rich, preferred to be close to the seat of power rather than in the frontier.

They asked the village headmen, 'Chaudhary', to collect tax, which was in kind. They also staked claim to land, which they asked the Tharu to take care of when they were absent. Since the Tharu practised shifting agriculture, and the royal retainers were migratory birds, this was not perceived to be too intrusive. However, it was during this period that the Tharu ceded plenipotentiary power which was to cost them dearly. The next incursions would not sit so lightly on them.

1930 to 1960: Settlers

During the two decades from 1930, there was a prominent increase in Rana landlords. When the land was surveyed in 1946-47, the landlords illegally claimed a majority of the land, and almost all the prime land. They left less than 20 percent to the tillers. They used the survey to legalise their claim to more land.

They used subterfuge such as getting the innocent Tharu to affix their thumb impression on paper and stealing their land. Sometimes they resorted to outright intimidation so that the Tharu actually went to the land registration office and got the land registered in the landlords' name.[20] Oftentimes it was a combination of both.

By 1950 the Rana landlords and the immigrants had sufficient power to challenge the state, and actively opposed the democratic reforms. The Indian army had to come in to quell their rebellion.

Post 1960: Kamaiya lords

After 1960, the dispossession was much starker. The number of migrants increased. They no longer went back in summer to their 'home'. Home for the migrants also became Tharuwan.

Two supposedly good welfare measures alienated the Tharu from their land—the census and the abolition of Birta, the private collection of tax from land gifted to the royal retainers by the king. The innocent Tharu did not get the land registered in their name, so the land legally became the property of those who claimed it for the sake of record. With the abolition of Birta, they had to pay taxes in cash. Unused to the cash economy, they had to sell their land.

The initial practice was relatively more equitable, with the Kamaiya getting some land for their own use. They could use the produce of this land at their discretion, though they could work on this land only after working on the land of the Kamaiya lord. This land was later reduced, as indicated by term 'bali bigha'. Bali bigha is only half the normal bigha, strongly suggesting that the Kamaiya started off with one bigha of land, which was then reduced to half a bigha for his own use.

In a further reduction, the 'bigha' was changed into giving 12 sacks of rice in about 1973. When the Kamaiya protested and struck work, their leader Josi Ram was singled out for revenge. Twenty-five Kamaiya lords surrounded him and charged him with being responsible for the lost production. They then garlanded him with shoes in front of the whole village—a practice that is prevalent in Nepal to humiliate someone publicly. Unable to bear the humiliation, he was forced to leave the village.[21] Deprived of leadership and bereft of support, the remaining Kamaiya resumed work. It was only after a quarter of a century—with much more external support and links—that they would systematically resist and, of course, they would win.

Resistance

Radhakrishna Tharu led a movement in Bardiya district against this cheating and appropriation of Tharu land in 1943-44. Consequently, Prime Minister Padma Shumsher Rana sent a survey team. When the land was surveyed in 1946-47, the landlords allotted a vast portion to themselves, leaving less than 20 percent to the tillers. By the time the survey teams returned to Kathmandu, the landlords seized more through unfair means. The peasant movement led to the formation of the rather deceptively named *Utpidit Sahayata Sangh*[22] by the landlords to protect their interests. They created so much chaos in the aftermath of the revolution of 1951 that brought in democracy—which they bitterly opposed—that the Indian army had to enter Bardiya to restore order.

The violence continued. In 1951-52, when the unarmed tillers demanded a third of the produce, they were violently crushed by the landlords. Freedom fighter Bhim Dutta Pant who fought against the Haliya-Kamaiya system was beheaded in 1955. Interestingly, though a freedom fighter in the democratic revolution of 1951, he was labelled a 'dangerous communist' by the then regime.[23]

This crystallised into the *Kanara Andolan.* Kanara[24] is the forest where the landless people tried to make their first settlement, led by Hakim Baje[25] and Chilla Tharu, both landlords. Though the first settlement was made by Hakim Baje with his Kamaiya in 1946, it was abandoned soon after since the forest was extremely hostile and he could not pay taxes. The landless Tharu reclaimed the Kanara forests under the leadership of Chilla Tharu in 1967. Evicted by the government in 1968, Chilla Tharu again led his people there in 1975. Some were given land in 1979. However, others who had joined them had to face the cycle of settlement and eviction for another decade and a half. The peasant movement had sufficient influence on the national polity for the Nepali Congress to win the 1960 elections—the first ever parliamentary elections in the country—on the slogan 'the house belongs to those who reside in it, and the land belongs to the tiller'.

The peasants were by now 'landless' peasants. In popular perception and government parlance they were the Sukumbasi—the landless, homeless 'squatters'. The Kamaiya liberation movement has a long history in the peasant movement and the Sukumbasi movement. The Kamaiya participated in the Kanara Andolan—which got many benefits, including land to the Sukumbasi. However, the Kanara Andolan was quite strict in their discipline. Those who wanted to be included in the movement had to participate with unbroken continuity. This was impossible for the Kamaiya who were literally living from meal to meal, started work early in the morning, finished late at night and needed permission to participate in the 'andolan' from the Kamaiya lord to whom he was bonded.

Once excluded from membership in the movement, they were also excluded from those who would get land when the Kanara Andolan finally did succeed in getting land for its members. So only the Kamaiya with large families that could spare members or those with surplus could be active members. Those who were the poorest of the poor and the most oppressed with the most debt were still excluded.

In 1988-89[26] there was a Kamaiya uprising led by Silta Tharu. On his own initiative Silta Tharu, an illiterate Kamaiya, organised the Kamaiya of Manau VDC, since they were the most suppressed. They demanded an increase of their share from a quarter to one third of the total yield on the land they worked, and an increase in Maseura from nine to twelve sacks of paddy. Their third demand was three days' leave a month. The movement was brutally crushed by the Panchayat,[27] the police and the landlords.[28]

In the 1980s, the people of Nepal rose up in the democracy movement against the 'Panchayat' system—a partyless system of government, dictated by an absolute monarch. Though in popular consciousness the 1990 movement had only a single point agenda of overthrowing the Panchayat system, the peasant movement continued and resurfaced more intensely during the democracy movement. Working in concert with the larger movement for the larger goal, they tried to build up their negotiating space. They made determined efforts to restore some ownership rights over their land, and for such ownership to be legally recognised.[29]

The Kanara Andolan Secretary Kashi Ram Tharu was elected an MP in 1994. After many evictions, brutal violation of rights and a historic process of struggle—that involved extremely brutish behaviour by the state,[30] including urinating into their wells and using elephants to demolish their fragile huts—in 1995 the government resettled all the 4,939 Kanara families, 18,356 people in all. They were fragmented as a community, making further organised resistance difficult.

The Thikkar Kanda [revolt] at Rajapur was a spontaneous outburst to protest the inhuman treatment of the Kamaiya. The gains they made were marginal and transitory. Nevertheless, the success of the Kanara Andolan gave hope to all the Kamaiya since many Tharu and some Kamaiya were members of the Kanara Andolan.

The political backdrop

The Kamaiya freedom movement was the unintended beneficiary and victim of distinct larger political processes—the democracy movement, the Kanara Andolan, the CPN [M] movement, power struggle within the ruling party and the general political environment. It is a direct consequence of the restoration of democracy in 1990 when democratic space opened up and civil society energies taken up in the democracy movement could be focussed on community reconstruction. It is no coincidence that the first major study on the Kamaiya was published in 1992 by INSEC.

Both the Kanara Andolan and the CPN [M] movement helped the cause of the Kamaiya, though from the background as an unintended consequence. Both made the state more responsive, since the state was already battling more contemporary movements on other fronts and the government was not prepared to open another front. These movements helped in creating a conducive environment, but in themselves did not directly address the issues of immediate importance for the Kamaiya, namely liberation and rehabilitation. While this document does not focus on these two movements, it must always be kept in mind that they contributed to the liberation movement and, in the case of the CPN [M] movement, even co-existed with it.

Due to factionalism within the Nepali Congress, in 2000 the new prime minister was weak and had little legitimacy or respect from the citizens or the parliament. His position was tenuous even within the party, which was locked in a power struggle. Desperate for legitimacy, several 'people-friendly' measures were taken in short order. Even so, parliamentary anger was not assuaged. The opposition was combative and prepared for a frontal confrontation with the government. The weak and brittle government with little support even from within their party buckled in the face of the opposition onslaught.

Political parties rarely cooperated fully with the Kamaiya in their movements due to an inherent limitation: all the political parties had high-ranking members who kept Kamaiya. The Geta case was against a former minister of the Nepali Congress. Even the members of 'progressive' Left CPN–UML kept Kamaiya, though they did ask their members to free all Kamaiya in January 2000. Staff of CSOs involved in the liberation movement too kept Kamaiya, and this had to be abolished by a formal circular in 1999.

The regicide of 1 June 2001, the declaration of emergency on 26 November 2001, the new king's dismissal of the prime minister on 4 October 2002 and reinstatement on 3 June 2004 after an unsuccessful palace experiment with two prime ministers from the royalist Rastriya Prajatantra Party [RPP] were other events of importance in the external environment. Nepal has had an average of one prime minister per year since the restoration of democracy in 1990. The CPN [M] movement started on 13 February 1996, and has been punctuated with brief cease-fires from July to November 2001 and 29 January to 27 August 2003. Emergency was declared in November 2001 and lasted nine months.

The interplay of these factors had significant influence on the Kamaiya liberation movement, sometimes working in its favour, and sometimes against it. The Kamaiya liberation movement must be seen in the light of this continuum of Nepali peasant movements, the larger political context and the tide of history.

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1 Central Bureau of Statistics, 2002 estimate.

2 'About', because of a slight controversy in classification. There are 59 Janajati and indigenous groups in Nepal. Previously, Newars were also included in it, making it a total of 60. There was a controversy as to whether Newar really is an indigenous group. So the Janajati and Indigenous Development Academy of the Government of Nepal pulled them off the list. The population of Janajati and indigenous groups is 36.4 percent including Newars.

3 Called Chomolungma by the Tibetans.

4 In English: National Assembly.

5 In English: House of Representatives.

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CHAPTER 3

The Kamaiya System: Essence and consequence

The Kamaiya system of bonded labour was practised extensively in five districts of western Terai of Nepal: Banke, Bardiya, Kailali, Kanchanpur and Dang. It was present in Surkhet, Kapilbastu, Rupandehi and Nawalparasi.[1] It was prevalent in the neighbouring parts in India. In Bihar, it is known as Kamiauti, Kamiah, Harwahi or Kandh. In Orissa it is called Goti (Gotia). In Madhya Pradesh it is called Kamia, Hari or Harwashee, Hali in Gujarat, and Haris in Uttar Pradesh and Maharashtra.[2] In Punjab, it is called Siri.

To understand the origins, the corruption and the extent of the system, a brief understanding of the Tharu culture is required. The Kamaiya system was practised in Tharu land, and an overwhelming number of Kamaiya were Tharu. Almost all Kamaiya were Tharus who migrated from Dang valley.

Corrupting culture, compounding confusion

Land relations

The chief deity of the Tharu is *Bhuyar*, the earth god, and *Gurubaba* or *Guruwa* the first Tharu god on earth who bestowed the land upon them. Therefore, in line with most indigenous peoples all over the globe, the Tharu did not have a concept of private ownership of land—a cultural failure that was soon to be brutally exploited in the course of Nepali state formation. In the resulting clash of two cultures, the state strongly supported the non-Tharu migrants.

Labour relations

'Kamaiya' was a term that was initially used by the Tharu within their culture and social organisation. Tharus lived in huge joint families and had a system of reciprocal labour. Family members used to work in each other's land as part of a survival mechanism in the harsh environment, in a cashless economy. 'Kamaiya' was a part of the terminology used within the joint family system, and an honourable one at that time. The eldest male of the house was called Ghardhuriya in Dang and Kisanwa in Bardiya. The other males were called Kamaiya meaning 'hard worker.' The Tharu term Kamaiya means family members, especially males, who work hard, under the guidance of the family head. The eldest woman was called Ghardhuniya. Other women were called Kamlahari. These were terms of respect and value since the Tharu valued hard work.

The children and the elders too had roles of value in this indigenous culture and worldview. Their responsibilities were commensurate with their abilities and enabled them to contribute to the community so that they had a sense of self-worth and therefore could lead a life with dignity. Those too young [13 to 15 years old] or too old [above 45] to work on the fields took care of the buffaloes, cattle or goats. Those who took care of the buffaloes were called Bhaisarwa and Bhaisawar [feminine: Bhaisarnya], those who took care of the cattle were called Bardiya [feminine: Bardinya] and those who took care of the goats were called Chhegrawa [feminine: Chegrinya].

Administration

The Tharu had their own administrative system. The village headmen, called Balmansar, were chosen at Maghi. It was an annual responsibility. The migrants corrupted this to a hereditary post by tacking on a tax-collector's function to this role, and calling him 'Chaudhary'.

The Khel was the indigenous Tharu self-governing body. It was the association of the heads of families. Either the Ghardhuriya or, when he was absent, the Ghardhuniya were participants. It was relatively democratic, though the participation of the women left much to be desired. The leadership was carefully chosen during Maghi celebrations, but became hereditary due to outside influence. With less importance being accorded to it—by the formal government and civil society institutions and informal social structures—it gradually lost importance.

Corruption

Each of this was corrupted and incorporated into the slave system as a Kamaiya—hard worker—*for the Kamaiya lord*, a Bukrahi—housekeeper—*for the Kamaiya lord,* and so on. Then, in a bizarre logic, the bonded labour system was justified based on this appropriation and corruption of culture and semantics.

The Tharu used to work for each other within their traditional extended family without wages for a few days every year. This tradition of the Tharu was used to blame the Kamaiya themselves for their plight and to justify oppression. It is said that the Kamaiya *system of slavery* was only an extension of the Tharu *cultural practice*.

The total subjugation of Tharu culture is seen in the names. In line with global indigenous practice, the last names should logically be 'Tharu', but many chose Chaudhary. This was the name given to the Tharu village headmen by the outsiders and the king's retainers. The Tharu probably chose this to compensate for the demeaning and dehumanising conditions of slavery.

The shift in the meaning of Kamaiya from being an indigenous system of labour exchange to a form of bondage reflects accurately their shift from being children of the soil to becoming bonded labour.

Who are we talking about?

The Tharu are the fourth most populous community of Nepal. According to the census of 2000, there are 1.6 million Tharu—up from 1.19 million[3] in 1991. Tharu are 6.5 percent of Nepalese society.

Within the Tharu too there are many different groups. The Dangaura Tharu are from Dang. The Deshaura Tharu are from Bardiya. The Rana Tharu are from Kanchanpur, along the Nepal-India border. The Kathariya Tharu are from Kailali, and the Kochila Tharu are found in eastern Nepal. Together, these different sub-groups form the Tharu. In the five Kamaiya prone districts the Tharu form 49.2 percent of the population.[4]

Most of the Kamaiya, above 90 percent[5] and up to 99 percent,[6] were Tharu. The Ministry of Land Reforms and Management [MoLRM] estimated[7] that 14.2 percent of the Tharu were Kamaiya in 1996. Of the 15,152 identified Kamaiya, 99 percent [15,030] was male and one percent [122] was female. Of the total household population of 83,375 identified, 45,822 were male and 37,482 were female.[8]

Backward Society Education [BASE] reported that there were 5,920 children between the ages of five and twelve who were directly bonded in 1994.[9]

The cycle

Being a coping mechanism for the extreme poverty, and then being embedded into social organising as a 'custom' and quickly into community work culture and leisure habit, human ingenuity was used to perpetuate this form of slavery. The important commonality is that the agreements were oral, and where there were written records of the loan amount due, the Kamaiya lords kept the records—often manipulating them.

The following table[10] shows the age-wise progression for men and women.

Titles for men

Age	Title
9 to 12	Chhegraiyare
13, 14	Gaiwar or Bhaiswar
15 to 20	Bardiyare
21 to 50	Kamaiya
51 onwards	Gaiwar or Bhaiswar

Titles for women

Age	Title
7 to 12	Chhegriya or Ladkakhelaiya
13 to 16	Kamlahari
17 to 40	Bukrahi
41 onwards	Orgaini, Chhegriya or Ladkakhelaiya

The celebration

Maghi is the main festival of the Tharu. It falls on the first day of the lunar month of Magh in mid-January. The Khel, the annual Tharu assembly, is held during this time. Their village headman, the Balmansar, is elected for a year at Maghi. Being an agricultural community, this post-harvest period is a time of general merriment. The Tharu love their tradition and culture often spending beyond their means to celebrate their ceremonies and festivals, with the tacit encouragement of the migrants.

However, where the Kamaiya system prevailed, this too was corrupted. It became the day in which the Kamaiya renewed their contract verbally with their Kamaiya lords. This process of negotiation is called Khojani Bhojani meaning 'to explore a new place'.[11] If a Kamaiya wanted to change his master, he could come out of his house with a cloth on his head and a stick on his shoulder. This was an indication that he was looking for a new master. If somebody wanted to hire him, then the new Kamaiya lord would pay the old Kamaiya lord the debt, and the Kamaiya would go to his new lord's house,[12] in most cases with his family in tow as an integral part of the transaction.

In the Maghi festival, Kamaiya returned to their home after completing one year at the Kamaiya lord's house. The contract was from Magh to Poush.[13]

There were many ways

People got bonded—became Kamaiya—in many different ways. It could be simply 'general poverty' wherein a family could not feed its members, so they became Kamaiya. The only obligation for the Kamaiya lord in these cases was to feed them. In some cases money was needed during an illness or a wedding. While the ways were many, the condition was the same: they had to do backbreaking labour. Exit was virtually impossible. Even those who became 'free' moved in and out of being Kamaiya. These experiences[14] of the leaders of the Freed Kamaiya Society [FKS] are illustrative.

I became a Kamaiya for a loan of rupees 14,000. I don't know about the interest. We needed the money in 2048 BS because of my father's illness. He already had a loan of rupees 6,000. For his treatment we took rupees 8,000 more. At the time of liberation we still had to pay rupees 14,000.

Chairperson Nathu Ram Kathariya, Kailali District, FKS

My father was a Kamaiya, so even I became one. But I am not identified as a Kamaiya. We did not get even 'D' classification.

General Secretary Pashupati Chaudhary, Central Committee, FKS

My father and grandfather were both Kamaiya. We had a Sauki of rupees 28,000. At the time of liberation we still had rupees 7,000 as Sauki. We took most of the loan when one of the children was ill.

Chairperson Hari Prasad Chaudhary, Banke District, FKS

My grandfather took the loan at the time of my uncle's wedding. Later on we took an additional rupees 15,000. We still had rupees 35,000 as Sauki to repay at the time of liberation.

We could pay back quite a bit because my father was a member of the Grameen Mahila Utthan Club, the local self-help group.

Secretary Ram Prasad Chaudhary, Banke District, FKS

My father took rupees 1,500 to buy one katta of land. I worked for only a year, because we were liberated then.

Treasurer Shukdaya Chaudhary, Central Committee, FKS

At first I became a Kamaiya just so that we would get food to eat. That was our contract—we would do all the work, and we would get food. Then we took rupees 200 for the bus fare to the next landlord's house. It took us ten years till liberation set us free.

Pushpa Chaudhary, Central Committee Member, FKS

My grandfather was a Kamaiya. We don't know how much loan he took. My father also repaid the loan by being Kamaiya. I went to Bombay for a year. There I could make enough money. So with rupees 23,000, I could liberate my father. With the balance, we bought one katta of land.

Later, we took a loan of rupees 6,000 for my sister's wedding. That became rupees 7,000 in two years. When my sister became ill, we sold the land for her treatment. My brother also came home.

Then the Kamaiya lord foisted a false case on us, saying that we stole his belongings. So we had to pay him rupees 13,000. We all had to become Kamaiya to repay that. At the time of liberation—in three years—this rupees 13,000 became rupees 19,000, though we were all working!

Chairperson Nim Bahadur Chaudhary, Kanchanpur District, FKS

I took a loan in 2053 BS of rupees 1,100 for my child's treatment. I repaid that. At the time of liberation, in 2057 BS, I was living as a Kamaiya without loan.

Vice-chairperson Sita Ram Chaudhary, Kailali District, FKS

They became Kamaiya because it was inherited, for money for bus fare, medical treatment, buying land, wedding expenses, false cases… The terms were also varied. Some were Kamaiya for less than a year, while others had been Kamaiya for even three generations. Some moved in and out of being Kamaiya multiple times. Some had loans, others didn't, for some the loans increased, while others could repay the loan.

What is common is that they had to work extremely hard, lost all their independence and of their family, and were always in a state of vulnerability—never more than a step away from becoming Kamaiya again.

The slippery slope

There were three major stages. These stages were in reality a slippery slope. Once a person was trapped even in the first stage—sharecropping—the remuneration was designed to bind them securely into slavery, into an ever tightening embrace, from which there was no escape. It would finally consume not only the man, but his wife, children and even his grandchildren in a self-perpetuating spiral. Children had to herd cattle and goats, the wife do the domestic chores and the parents cut grass or herd buffalo—all without any remuneration and wages.

Those who were desperate often used to work for the Kamaiya lord for just the food, clothing and shelter that was provided. The Kamaiya lord often took the moral high-ground by 'giving some work' to the 'destitute,' thereby making the unfortunate Kamaiya beholden to him. In theory, these Sauki-less Kamaiya could walk out of this agreement at any time, since no 'loan' was involved. In practice, this noose got progressively tighter.

Since only the necessities were covered, any other expenditure meant that additional income was required. This resulted in the Kamaiya taking a 'loan' from the Kamaiya lord and stepping into the debt trap. Once there, it was virtually impossible to get out. The entire family was enslaved, many of them for generations since one of the conditions was that the debt was inherited.

Wages of labour

The average daily income of a Kamaiya was about rupees 4.13.[15] In contrast, if they were unable to work, they were fined rupees 100 per day. Even the government[16] admitted that the wage rate they are paid is near about one kilogram of rice per day. Such a low wage is not sufficient for a square meal, medical treatment and other social activities.

When converted to cash, it works out to between rupees 100 to 400 per month, i.e. rupees 3.35 to rupees 13.14 per day. This made the debt trap a self-perpetuating one.

Sometimes, they received their wages in kind, under an annual system called Maseura. The Maseura was given as a fixed amount of paddy, wheat, pulses, edible oil and salt per year. Though it had minor variations, the average annual quantities were:[17]

Paddy	746 to 930 kilograms
Wheat	65 kilograms
Pulses	20 to 25 kilograms
Edible oil	10 to 12 litres
Salt	10 kilograms

This, as the ministry admits,[18] was insufficient to satisfy even the families' minimum needs.

The 'loan'

Any occurrence out of the ordinary survival routine, whether happy or sad, tightened the noose around the Tharu. This could be festivals, social obligations such as birth, death, sickness, medical expenses or even something as simple as a bus fare.

The Tharu extended family, which could even have a hundred members, compounded the problem. Though initially a survival mechanism, it soon became a burden. Due to their below subsistence income, they had to take loans from their master for these expenses. These 'loans' accumulated and led to bondage. If the amount was not paid, then the 'interest' was added to the total.

The Kamaiya lord kept all accounts, and sometimes added an extra zero. But falsification of accounts was not required. Kamaiya lords had no incentive to give the Kamaiya an opportunity to pay off their debt as the Kamaiya provided reliable work equal to that of several workers. The Kamaiya lords' interest in 'lending' money was to secure labour for the cultivation of his land. So he was not interested in collecting the interest on the loan or in recovering the debt. Therefore, the system was designed to make it nearly impossible for the Kamaiya to repay their debt. The system ensured that those caught in its net ended up in slavery.

The Kamaiya had a debt averaging just rupees 4,784.[19] This was more than the cash equivalent of their annual income. Kamaiya families generally faced acute food shortage for three months,[20] from mid-June to mid-September.[21] During this time, they depended on the Kamaiya lord for food. This 'food advance' was called Khaurahi. When repaid after harvest, they had to give back almost double the amount of grain. If they could not repay, it was converted into Sauki, which had to be repaid by getting additional members of the family—the wife, followed by the children finally the entire family—bonded to work for the Kamaiya lord.

Overview of the Kamaiya debt

	Number	%
1 Kamaiya families identified	17,435	100
2 Families with loan	9,499	59
3 Loans less than rupees 1,000	2,139	22.5
4 Loans less than rupees 5,000	6,632	70
5 Loans more than rupees 5,000	2,867	30
6 Loans over rupees 10,000	1,101	11.6
7 Quantum of loans held by these 1,101	rupees 22,002,782	45
8 Quantum of loans held by the bottom 2,139 debtors	rupees 1,214,459	2.5
9 Average loan held by these 2,139	rupees 568	—
10 The total Sauki held by the 9,499	rupees 48,876,692	100

Source: *Report of the Social and Economic Conditions of the Kamaiya*, Ministry of Labour 1995, quoted in NHDR 1998, p110.

It was common for generations to be bonded to repay the minuscule debt. A government study[22] found that of the 17,435 Kamaiya families identified, 9,499 had loans. Of them, 6,632 had loans of less than rupees 5,000, and 2,139 had loans less than rupees 1,000. Only 2,867 had loans more than rupees 5,000. Of these, 1,101 had loans over rupees 10,000. These 1,101 held about 45 percent of the total quantum of loans: rupees 22,002,782. The bottom 2,139 debtors held just 2.5 percent, rupees 1,214,459, of the total Sauki, an average of less than rupees 570. The total Sauki was less than rupees 50 million.

Neither the Kamaiya nor his family could go elsewhere until he repaid the loans to the Kamaiya lord. The loans were inherited. Children had to repay the loans taken by their parents and grandparents.

The slave

While theoretically the Kamaiya could repay the 'loan' and gain freedom, in practice it was impossible. Being paid less than minimum wages, fined more than a week's wages for a day's absence, enslaving the entire family, thereby preventing mobility and higher wages elsewhere, enslaving the children thus ensuring low skill sets and therefore continuing labour for generations... all this resulted in a system of perpetual slavery.

The initial loans were often small. But the very dynamic of the system was that the loan would inevitably become bigger and bigger. If the Kamaiya wanted to be free, he had to repay the entire amount. Part payment was not accepted, making it difficult to 'buy' one's way to freedom given the low wages.

The Kamaiya lords then traded the Kamaiya among themselves for different amounts, in what was virtually slave trade. These amounts had the 'outstanding loan' and then some 'profit' for the owner. This resulted in the Kamaiya lord holding a substantial sum as 'loan' which the Kamaiya had to repay at one go if he wanted freedom.

Kamaiya with low debt were more likely to be bought and sold. Those with large debt—those likely to have been Kamaiya for longer—were unable to buy themselves out of debt, nor change masters since no one would want to pay large sums for a Kamaiya. At this point, the Kamaiya lord could keep the Kamaiya and the entire family in bondage. So the Kamaiya, and their families after them, were virtually bonded to one master for the rest of their life. About 20 percent[23] of the Kamaiya were second generation Kamaiya, meaning their fathers worked as Kamaiya before them, and four percent had even their grandfathers working as Kamaiya, though not necessarily with the same Kamaiya lord.

It is said that lack of an economic resource base leads to lack of mobility and various other consequences lead to entrapment as a Kamaiya. That may possibly be true. However, what is not in doubt is that becoming a Kamaiya resulted in lack of control over virtually every aspect of life, both for the Kamaiya and his family. The stranglehold of the Kamaiya lord over his Kamaiya is total. Economic mobility is virtually impossible: during the construction of 22 bridges along the East-West Highway cutting across Nepal, more than 50,000 labourers got employment in the Kailali district alone. Not one of them was a Kamaiya. The Kamaiya lords simply did not let them go. If they could, then they would have got higher wages and got out of debt.

The grades

Not all Kamaiya faced the same situation. The system was diverse enough to accommodate differences and adapt itself. It could entrap only the man, or encompass his family including his minors. This could be at various times, and was not necessarily continuous.

This diversity does not detract from the intrinsically slave-like characteristics of the system as its apologists have tried so hard in their justifications. It is a truism that all resilient systems—as social systems invariably are—provide as much flexibility as possible provided its foundations are not threatened. Under duress, these systems are capable of amazing flexibility and can adapt to survive in mutant forms.

Sharecropping

Sharecropping, called Bataiya, was often on a 50:50 basis with the Kamaiya lord providing the land and the Kamaiya providing all the other investment. They shared the harvest equally. This later degenerated to the Kamaiya lord keeping 75 percent of the produce and all the Kamaiya families sharing the other 25 percent. Since many Kamaiya families worked on the land of the same Kamaiya lord, the share of each Kamaiya family was a pittance.

In practice, the Kamaiya had to give unpaid labour to the Kamaiya lord, in precedence to his own work. This meant that the Kamaiya had to work on the Kamaiya lord's farm even when there was work to be done on his own land. Gifts in kind, such as fish, had to be given to the Kamaiya lord,

Eksaro Kamaiya

Kamaiya who were bonded for one year at a time in an annual contract were called eksaro Kamaiya. They often had their own house and field. They used to go early to the Kamaiya lords' field and return late. They were given food at the Kamaiya lords' houses, and a little money. They had to work about 12 to 15 hours a day, and often from 3:30 in the morning to 9:30 at night during peak agricultural seasons: ploughing, sowing and harvest.

The wages were extremely limited, just about covering their travel and daily basic needs. In case of any extra expenditure—for festivals, ill health or family functions—they had to borrow and were drawn into the debt trap.

Bukrahi Kamaiya

A bonded labourer living in the Kamaiya lord's house was called Kamaiya and his wife was called a Bukrahi.

This was the worst form, and most Kamaiya—including the eksaro Kamaiya—were eventually drawn into it. The Bukrahi Kamaiya did not have anything of their own, except their debt. They even had to live in a house built by the Kamaiya lord. The entire Kamaiya family was at the disposal of the Kamaiya lord and his extended family.

According to the statements made by the Kamaiya filing the first petitions, they and their wives worked an average of 12 to 14 hours per day. In return, they received 1.5 quintals of paddy per year—wages equivalent to less than one third of the Nepali minimum wage. They received only two days off per year and were fined approximately rupees 100 per day if they did not work. Most were forced to take loans and worked to pay off accumulated debt or Sauki. In return, they were bonded until they cleared the accumulated debt.

The consequences: Reminiscences of a Gandhian

We chose Shiva Raj Pant because he had the reputation of being a great exploiter of many Kamaiya.

Dilli Chaudhary[24]

'was good to my Kamaiya' is a refrain that one consistently hears. However, one must give allowances for the frailties of human memory.

No doubt there were 'good' Kamaiya lords, just as there were 'good' slave owners. But the difference in perspective and assessment are stark. These are the statements[25] of the Kamaiya lord Shiva Raj Pant and those of the Kamaiya whom he owned. They need no further comment.

Even before the Kamaiya movement began I told my Kamaiya to leave me and work elsewhere. But they are not willing to leave. They did not want to leave. They had the freedom to leave, but if they want to continue working then why should I forcibly remove anyone?

Shiva Raj Pant

My father tried to get me a job in another house, but the minister said 'I brought up your son. I spent money to bring him up. So he must work in my house. So I was forced to work in his house'. I wanted to leave, but I couldn't because I had Sauki. The minister often said 'pay off your debt and go'.

Raj Dev Chaudhary[26]

Some of the statements made by the 19 Kamaiya who filed the petitions at Geta VDC show how severe the exploitation was.

We are forced to work day and night. If I make even the smallest mistake while working Shiva Raj Pant will beat me. He once hit my wife on the legs so hard she urinated. He has illegally bonded my wife, my children and me.

Or…

For 40 years me and my wife have worked on his land. We work between 12 and 14 hours a day… my daughter started working there four years ago, after my wife got sick. On the days we don't work, he fines us rupees 100 per day.

And…

We have asked Shiva Raj Pant for daily wages, fixed working hours and extra time payment, but he threatened us being very angry saying: 'I don't follow your law and I will not fulfil your demands. If you talk more about it, you will be killed and thrown out from your home'.[27]

And...

When I got married and had children, I did not even have time to breast-feed my child because of the landlord.[28]

The presentation of Anti-Slavery International to the UN Commission on Human Rights is even more graphic.

P Chaudhary tells of a time when she took a break from her work to breast-feed her young baby, and Shiva Raj Pant told her to get back to work, complaining that: 'you people don't work—all you do is breast-feed. You have as much milk as a river'. Another woman tells a tale of being beaten for breast-feeding her two-week-old baby.[29]

Resham Lal Chaudhary[30] was a Kamaiya of Nar Bahadur in Motipur of Urahi VDC of Dang district. At the time of the Dashain festival, he was told to go to the jungle to collect firewood, crossing the Babai River. He could not refuse, though the river was in spate. He was swept almost a kilometre downstream and had a providential escape.

The total control that the Kamaiya lords had over the lives of the Kamaiya can be seen in the following story.

A Kamaiya's son died in the early morning hours. He requested the Kamaiya lord to give him a day off for the funeral. The Kamaiya lord refused him permission, and forced him to complete the work in the farm. His wife carried their dead son on her back the whole day. The family finally took their son for burial late in the evening, after their work was completed.[31]

The system not only enslaved the Kamaiya, but also dehumanised the Kamaiya lords, stripping them of essential humanity.

AS No 14022

The consequences: Women

A consequence of stratification was that the women were—and in some cases still are—considered a property of the man. Tharu men face discrimination as Tharu and as poor. Tharu women suffer from gender discrimination in addition to the discrimination faced by the Tharu men. They are generally less educated, have to work longer hours, have no right to property and have little say in decision-making. Roles are gender specific, and deviance is seldom tolerated under both the Tharu and Kamaiya social systems.

Demographic data is unforgiving in holding the mirror to the condition of women. The gender ratio is a globally accepted indicator. For the Kamaiya it was more skewed against women than the Tharu and national rate of 102 males per 100 females. For the Kamaiya it was a staggering 122.4 males per 100 females overall—ranging from 129.3 in Banke to 114.3 in Bardiya.[32]

One of the main attractions of this system for the Kamaiya lord was that he would get a woman to work for him free. Either it would be the Kamaiya's wife or, if he did not have one, his mother, sister or even his brother's wife.[33] When the mother of the Kamaiya got too old, then the son would get married, even to an older woman. The non-negotiable criterion was that the bride would replace his mother as Bukrahi. This child marriage could be with a school-going groom as young as 13, studying in grade five while the relatively older bride of 18, would work in the Kamaiya lord's house as Bukrahi.[34]

Incorporated into the prevailing oppressive system, this resulted in additional hardships for the Tharu women whose husbands became Kamaiya. When a man got bonded, his entire family was bonded and his wife was expected to work in the house of the Kamaiya lord. The work of other members of the family was seldom paid.

I had to serve my landlord's guests all the time. It was hard work. I had to do all kinds of work, washing the floor, dish washing and cooking food for them, serving the guests. I was just like a daughter-in-law who had to work hard.[35]

Doing the Kamaiya lord's domestic work meant being on call 24 hours a day, right through the year—the original 24x7 worker. In addition to the household chores, both in her house and the Kamaiya lord's house, leading the women in Kamaiya households to say that they have two mothers-in-law. They had to work alongside their men whenever required.

Sexual abuse was routine and was not considered an issue. The Organi was a sex-worker for the Kamaiya lord and his guests.[36] In one notorious instance, every newly wed Kamaiya bride had to spend the nuptial night with the village landlord.[37] Even exposure of the culprits did not help. Instead, the culprit was treated as a 'benevolent benefactor'. If a man got a Kamaiya woman pregnant, he was *requested* to provide some money and clothes to the victims. He had to pay just rupees 1,500, which was insufficient even to meet her medical expenses. The rank injustice of the system is even starker when it becomes apparent that it costs the man almost double—rupees 2,800—if he were to accept her as his wife.[38] The system was all for humiliating and degrading the woman.

A case of sexual exploitation[39]

S Chaudhary was a married woman. She was just 19. She lived as Kamlahari in the house of Shovakar Dangi in Dikpur VDC-1 from the time she was 14. Her parents had taken a Sauki of rupees 18,760 and some grain. She and her brother worked for the Kamaiya lord for five years without wages.

Kamaiya lord Shovakar Dangi raped her four times. Her parents complained to the VDC and other places, but they were brushed off. She was raped on 14 March 2001—even after 'liberation'.

The women worked for nominal rates, and even in peak seasons they earned less than half that of men.[40] In peak agriculture seasons,[41] women slept less than four hours a day. In the best of times they could sleep for six hours. They worked all their waking hours, with no time for rest let alone leisure. Without knowing this reality, even well-meaning outsiders characterised Kamaiya women as 'lazy' since they did not participate in 'common community programmes'. There was the same misconception regarding the Kamaiya men too.

Since the objective of getting Kamaiya was to work on the land, the plight of single women, especially widows with children, was pitiable.[42] In the system women were paid half, since she could not plough. But for ploughing, the women were fully involved in agricultural production—from sowing to bringing in the harvest, from getting manure to getting fodder—in addition to the reproductive functions they fulfilled as domestic labour in their homes and in the Kamaiya lords' houses. The entire responsibility of managing the household, including children, fell on the women when their husbands migrated to find work during agricultural lean periods.

The consequences: Children

Once the Kamaiya lord or his wife set their eyes on the Kamaiya's children, that put paid to their childhood. They could, and did, insist that the children of the Kamaiya be pulled out of school to do domestic work—either in the Kamaiya lord's house or in that of a relative far away. The Kamaiya had no option, but to comply.

Between 60 to 75 percent of the Kamaiya were cattle herders before becoming full-fledged Kamaiya.[43] The girls had to do different household work such as washing clothes and dishes and baby-sitting. Additionally, the parents lost social control over their children.

The literacy rates bear silent testimony to the lost childhood. The literacy rate for Kamaiya was 15.7 percent compared to 39.9 for Nepal in general, and 25 percent for the Tharu. Within Kamaiya families, it was 11.2 percent. Disaggregated data reveals an even more distressing picture: the literacy rate for males in Kamaiya families is 17.2 percent and for females a minuscule 3.6 percent—less than a tenth of the national average.

Their punishments were harsh, even for the most trivial of 'transgressions'. Beating and abuse was common, and they were bound to pay the debt of their fathers. There was visible discrimination in the treatment of the children of the Kamaiya and the children of the Kamaiya lords in every facet of life. Served food outside the house, given second hand clothes, unable to go to school… was the lot of the Kamaiya children.

Food was denied or delayed. They, or their parents, had to make good the loss of broken utensils, goats eaten by wild animals when they took them out for grazing… and even for eating too much![44]

I became bonded when I was seven years old. I came to take care of the landlord's baby. I had to come since my parents did not have enough land and they became Kamaiya. There was no Sauki involved. I did not get any payment, either as cash or as anything else. When I was about 13 then I started getting one set of clothes and a sack of paddy [75 kilograms] each year.

I got married when I was about 14 or 15. My husband was also a Kamaiya. He used to get nine sacks of paddy a year. I had to work without payment. I had two babies and we shifted landlords.

My husband went to work for Leela Devi Malla, in Nepalgunj, who gave rupees 500 annually. Our debt grew to rupees 4,500 in two years. So I asked my husband to come home. Why should he work and make the debt bigger?

But Malla wanted to keep my daughter as Kamaiya. I refused. My husband got angry with me and went off. Then I had to go for work just to feed ourselves. I fell down and hurt myself, but still had to go since Malla demanded that I had either to work or repay the Sauki. I told him to take my husband, but not my daughter.

Vice-chairwoman Moti Devi, Central Committee, FKS[45]

Most Nepali children were vaccinated against measles. Since the Kamaiya were not allowed holidays or to go out of the Kamaiya lords' farm, the children of Kamaiya were not vaccinated. This was to have devastating consequences later.

Dibunna Chaudhary has been a Kamaiya of a Basnet landlord. He borrowed rupees 2,000 for buying bulls to cultivate the field he had rented for sharecropping. After one month, Basnet demanded that either he repay the loan immediately or that he send his daughter Sita to work as a Kamlahari.

When Sita refused, Basnet took away the bulls. Dibunna then forcibly took Sita, crying and muddied, to Basnet's house. She was so upset that she became ill for five days. When she became well, she was forced to do work she did not like and was not capable of doing.

Though Dibunna and his wife hate what they did, they had no choice given their extreme poverty.[46]

Adolescent Kamaiya girls were under constant threat of violence. When they took the livestock to the forest, there were frequent attempts of molestation and rape.[47]

The true cost paid by the children was generational. They were initiated into the system early, and the system did not let them acquire any skills that would let them lead independent lives. About 75 percent of them inherited the Kamaiya status.[48] Joining the system at an early age as cattle herders [Haliya], they became full Kamaiya by the time they were 14 with Sauki.[49] The family thus became a place not only for reproduction of the race, but fodder for the system.

A sting in the tail

It is possible that the system was mutually beneficial, and the landlords did really care for the Kamaiya. Initially, the Kamaiya were possibly sharecroppers, then they were given a plot of land to grow food for their own needs. Being of gentle nature, the Kamaiya were probably relieved when the paternalistic landlords took charge of the monetary system. They were paid in kind and the Kamaiya lords took care of their needs such as food, clothing and shelter. Given the intrinsically asymmetrical nature of the relationship, this soon degenerated.

In line with agrarian systems across the world—and practised even today by agribusiness—all the risks and costs were pushed onto the actual tiller, the Kamaiya. The Kamaiya lord would take his share of the produce, and then deduct all expenses from the Kamaiya share. Then the Kamaiya share was reduced. This reduction in

Kamaiya share, while simultaneously loading expenses onto them, reached a stage where even repair of tools, such as wheels of carts, was taken out of the Kamaiya share.

One of the most unjust was the request by the slave owner to the Kamaiya to collect timber from the forest. This is a patently illegal act, but being a Kamaiya, there was no question of not fulfilling the order. If the timber was collected, the proceeds of such smuggling went to the Kamaiya lord. The Kamaiya caught by the police became more deeply entangled in the web of slavery.

The slave owner used to get him out of prison, and pay the legal costs involved. However, this would increase the debt. The following costs would be added to the loan principal.

1 The amount spent on legal costs.
2 The amount that was 'lost' to the Kamaiya lord when the Kamaiya was under detention.
And finally, to add insult to injury,
3 The monetary value of the timber confiscated by the authorities.

Of course, if the wheel of the ox cart broke, the cost of replacement was added to the Sauki… as were the days of absence, illness and sundry expenses such as bus fare.

The saddest part is that the Kamaiya took this as the normal course of life, so ingrained did it become in their mental map.

Myths

There are some persistent myths about the Kamaiya system. Some apologists used these to obfuscate the issue, or even to justify the Kamaiya system, including the keeping of Kamaiya in bondage. We will examine the five most persistent ones.

A traditional form already existed

There has often been speculation that the Kamaiya system was indigenous to the Tharu. The confusion is based on a linguistic and semantic similarity. The confusion was sometimes deliberately fostered to blur the issues in question to the advantage of the elite. It is not uncommon for culture to be corrupted and distorted for exploitation, and then blaming the victim. Just as the Tharu territory was appropriated and the Tharu made into slaves in their own land, so was their culture and language similarly appropriated and their slavery justified and compounded with these same cultural and linguistic distorting techniques.

The 'evidence' cited for this is that even some Tharu had Kamaiya. That there was a reciprocal system of exchanging labour among the Tharu is a fact. However, the culture was brutally manipulated to turn this into a system of bondage. To cite this as a justification is analogous to women and patriarchy. Many women support patriarchy, but that is no reason to perpetuate it.

The system was not all bad

No system is all bad. No matter how bad a system, it is always possible to find some good elements in it, and vice versa. It is the totality, which determines whether a system is good or bad, and oftentimes only in balance.

For the simplistic Tharu, the non-monetary barter system was probably good—and remained so till the Kamaiya lords started taking advantage of their simplicity. Another 'good' part of the system was the relative security that the system provided. Agricultural labour was required only for about half the year. Neither the Tharu nor the trade relations had developed to a point where they could fend for themselves in the remaining period. So the security of tenure, work and food did help. An equitable division of produce would have been mutually beneficial.

While acknowledging these positive characteristics, it must be borne in mind that the system *had* degenerated into slavery. The Kamaiya were also ready to face the world on their own terms, however simplistic the confidence was based on.

The Kamaiya were not bonded

Kamaiya are not slaves. They are simply people who work on the land—agricultural labourers.

Shiva Raj Pant[50]

Even among liberals, this is a widespread misconception. Evidence cited is that the Kamaiya could leave at the end of the annual contracted period at Maghi. Another evidence cited is that some Kamaiya did redeem themselves from debt and bondage.

Two factors argue against such a simplistic interpretation. The first, and most important, is the total loss of control over themselves and their families. The Kamaiya lord and lady could, and did, control every aspect of the entire Kamaiya family, what they could eat, when and how much. They could control their dress. They could control their mobility—both by denying them holidays and by denying them transport fare. They could even decide whether the Kamaiya child could study and where they could work.

The second is that the 'loan' enforced a contract under which the terms of labour ensured that the loan could not be repaid, that the Kamaiya would be forced to borrow more for even subsistence, and that they would be paid below market wages.

It is common practice worldwide for employers to give employees salary advances. Therefore, the existence of salary advances in itself does not make a system one of bonded labour. It becomes bonded labour when there is no realistic prospect of paying off this debt.[51]

They were treated well

There is certainly truth in this statement, and an independent study commissioned by INSEC[52] seems to bear this out. About 80 percent of the Kamaiya reported 'good' treatment. Only 10 to 20 percent reported verbal abuse, and less than one percent reported physical abuse. Moreover, even this showed considerable decrease between 1992, when INSEC did its first study, and 1997 when INSEC did a revisit. Verbal abuse halved, and physical abuse plummeted to less than half a percent. It is certainly to the credit of the majority of the Kamaiya lords.

Most human beings prefer the security of the known, and surrender most of the time. Fatalism—also known as resignation and acceptance—is a coping mechanism. The Stockholm Syndrome is known in psychology. The question is whether that is the ideal situation. A ship is safe in the harbour, but that is not where it is meant to be. Would the 'security' of the system compensate for the psychological brutalisation and trauma of being slaves, not only of the person, but also of those whom one is bound to protect—dependent women, children and elderly?

How 'good' the treatment was depended on perception. The Kamaiya lords focussed on what they 'gave' the Kamaiya and not what the Kamaiya gave them in return.

The landlord's perspective is that to keep a Kamaiya was a social obligation. 'We keep them by sacrificing our money and resources because we have lived with them for a long time and we share culture, common systems and sufferings. Now after the government declaration we get rid of this problem. We are free, we can use tractor and plough the land ourselves. And our crops will increase in yield'.

Prakash Kaffle[53]

Though Shiva Raj Pant was 'known' to be a cruel Kamaiya lord this is what he had to say:

I have done so many things for the people that they cannot be counted up… because I am a disciple of Mahatma Gandhi.

Shiva Raj Pant[54]

It is in striking contrast to the following statement from one of his Kamaiya in the petition to Geta VDC:

He once hit my wife on the legs so hard she urinated. He has illegally bonded my wife, my children and me.

And…

When I got married and had children, I did not even have time to breast-feed my child because of the landlord.[55]

After liberation, they could share their true feelings. The numerous testimonies of ex-Kamaiya are evidence that 'good treatment' is only part of the story. Even in March 2004—almost four years after liberation—the ex-Kamaiya could recount their experiences in vivid detail. As Shukdaya[56] *says, 'I must talk. There is so much hurt inside'. This after she had spoken for over three hours at a stretch, and the others in the group asked her to stop.*

We had no time to ourselves. Sometimes we even had to eat on the run. We had to work all the time.

Treasurer Shukdaya Chaudhary, Central Committee, FKS[57]

It is probably true that some, or even most, Kamaiya were not overtly harassed most of the time. However, the test of whether this is sufficient to let the system continue lies in reversal. How many of those who proffer this excuse would agree to be Kamaiya under the same terms?

It was not linked to caste

The Tharu are outside the Vedic Hindu caste system. However, the Muluki Ain,[58] which synthesised the caste system in Nepal, put the Tharu third in the caste hierarchy. First were the Tagadhari—those who wore the sacred thread—such as the Brahmins, Chhetris and Newars. Second came the 'non-enslavable Matwali', and then the 'enslavable Matwali' to whom the Tharu belonged. There were two further classifications 'below' them. Muslims and Europeans formed the 'impure but touchable' category, and the untouchables were the last.[59]

The Kamaiya system does have caste overtones, and caste did play an important role. No Brahmin would plough land, because if he did he would lose his all important caste. Therefore, they employed others to plough for them.

In a curious reversal of the warped logic of the caste system, the farmer who helped the Brahmin became 'untouchable'. There were Brahmins in dire economic straits. Yet none of them became a Kamaiya for this reason.

This demeaning menial job was socially reserved for the Kamaiya. The rules were also different. Loans were given to these untouchables at double the interest rate given to others. Repayment was discouraged. While the Tharu also kept Tharu as Kamaiya,[60] not one Brahmin kept another Brahmin as Kamaiya. Of course, a Tharu keeping a Brahmin as Kamaiya was unthinkable.

The Pahari have Kamaiya, the Tharus have Kamaiya, the aboriginal people have Kamaiya. What is interesting is that only Kamaiya from the Pahari people's house participated in the movement and left their home. Not a single Kamaiya left the home of a Tharu landlord. What the motive is...is that there might be a very good relation with Tharu landlords. The result is that the movement was blamed to be communalism. Because both the Kamaiya and the movement leaders were Tharus and only Pahari Kamaiya left their landlord.

Prakash Kaffle[61]

There was fewer hierarchy between the Tharu Kamaiya lord and the Kamaiya.[62] The cultural practices were similar, and they were treated as members of the family. In contrast, the Brahmin Kamaiya lords were perceived as more miserly, exploitative, abusive and cruel. The women folk had to do more work. There was discrimination even for food, utensils and place of eating. The Thakuri Kamaiya lords were the most crude, hateful and dominating. It was not only the Kamaiya lords who behaved badly. Even the women of the Kamaiya lord's household meted out the same brutal and harsh treatment to the Kamaiya.

An additional indicator of their untouchable-like status comes from the income figures. The per capita income of Nepal in 1996 was rupees 7,673. For the Tharu it was rupees 6,911 and the occupational castes—the 'untouchables'—it was rupees 4,940.[63] The income levels of the Kamaiya were at or below that of the untouchables, and did not even reach the levels of the other Tharu.

[1] Robertson A and Mishra S, 1997, p15.

[2] Robertson A and Mishra S, 1997, p55.

[3] Population Census 1991. Quoted in Sharma S, and Thakurathi M, 1998, p 11.

[4] Shrestha K P, Shrestha N L, 1999, p2.

[5] Bonded Labour in Nepal under the Kamaiya System by INSEC in Banke, Bardiya, Kailali and Kanchanpur districts. They conclude that 93.2 percent of the Kamaiya are Tharu. The study had a sample size of 3,036 Kamaiya.

[6] Chaudhary R D, Some Realities, Paper presented in the UN Human Rights Convention, Geneva, May 2001, BASE.

[7] Shrestha K P, Shrestha N L, 1999, p12.

[8] 11 did not respond to the questionnaire.

[9] BASE, Education for Transformation, Third year report submitted to Danida. Quoted in Robertson A and Mishra S, 1997, p26 note 12.

[10] Niraula B B and Paudel M M, Gender and Child Issues under Kamaiya System in Mid- and Far Western Terai of Nepal, March 1998. Table 3.1.

[11] Shrestha K P, Shrestha N L, 1999, p6,7.

[12] NHDR 1998, p111, box 6.3.

[13] Magh is from mid-January to mid-February. Poush is from mid-December to mid-January.

[14] In conversation with the authors, 10 March 2004. Translations by Nanda Kumar Kandangwa and Khemraj Upadhyaya, AAN.

[15] Suresh Chaudhary, Direction of Kamaiya Movement, in Bonded Families can Never Rest, A report of the Kamaiya conference, INSEC, 1996, p16.

[16] Shrestha K P, Shrestha N L, 1999, p6.

[17] Shrestha K P, Shrestha N L, 1999, p9.

[18] Shrestha K P, Shrestha N L, 1999, p6, 10.

[19] Report of the Social and Economic Conditions of the Kamaiya, Ministry of Labour 1995, quoted in NHDR 1998, p110.

[20] Niraula B B and Paudel M M, 1998.

[21] Ashadh to Bhadra. Ashadh: June-July; Bhadra: August-September.

[22] Shrestha K P, Shrestha N L, 1999, p28-30.

[23] Sharma S, and Thakurathi M, 1998, p38, 39. This study covered eight districts: Kanchanpur, Kailali, Bardiya, Banke, Dang, Kapilbastu, Rupandehi and Nawalparasi.

[24] Quoted in Lowe P, Kamaiya: Slavery and Freedom in Nepal, MS Nepal, and Mandala Book Point, 2001.

[25] Quoted in Lowe P, 2001.

[26] Raj Dev Chaudhary was the leader of the 'Geta 19', and later held important leadership positions within the movement.

[27] Unofficial translation of the original case handed out by the VDC Chairman Santa Bahadur Karki, quoted in Rasmussen M L, 2002.

[28] Heera Devi, Manehara Pul Camp, 17 March 2001. Heera Devi was one of the 19 Kamaiya in the Geta VDC case, Rasmussen M L, 2002.

[29] Submission presented on behalf of the Kamaiya Movement Working Committee to the UN Commission on Human Rights, Sub-commission on the Promotion and Protection of Human Rights, Working Group on Contemporary Forms of Slavery, 25th Session, Geneva, 14 to 16 June 2000.

http://www.antislavery.org/archive/submission2000—Nepal.htm

[30] Case study from Niraula B B and Paudel M M, 1998.

[31] Case study from Dhakal S, Rai J, Chemjong D, Maharjan D, Pradhan P, Maharjan J and Chaudhary S, 2000, p53.

[32] Shrestha K P, Shrestha N L, 1999, p40, table 4.5.

[33] NHDR 1998, p111, box 6.3.

[34] Case study of Santa Bir and Asrani working in Kamaiya lord Raja Ram Chanda's house in Bardiya in Robertson A and Mishra S, 1997, p25.

[35] Heera Devi, Manehara Pul Camp, 17 March 2001, in Rasmussen M L, 2002.

[36] NHDR 1998, p108.

[37] Robertson A and Mishra S, 1997, p24.

[38] Niraula B B and Paudel M M, 1998.

[39] Case study in Kandangwa N K and Thapa N, Freed Kamaiya Status Report, AAN 2001, p8.

[40] Niraula B B and Paudel M M, 1998.

[41] The months of Ashadh, Shrawan, Bhadra, Kartik, Mangsir, Poush and Magh.

[42] Robertson A and Mishra S, 1997, p25.

[43] Sharma S, and Thakurathi M, 1998, p38, 39.

[44] Niraula B B and Paudel M M, 1998.
[45] In conversation with the authors, 12 March 2004.
[46] Case study from Niraula B B and Paudel M M, 1998.
[47] Niraula B B and Paudel M M, 1998.
[48] NHDR 1998, p111.
[49] Shrestha K P, Shrestha N L, 1999, p3.
[50] Quoted in Lowe P, 2001.
[51] Lord Dholakia, Debate in the House of Lords, British Parliament, 19 January 2000.
[52] Sharma S, and Thakurathi M, 1998, p54, table 4.9, p64, table 5.9.
[53] Prakash Kaffle, RRN, 4 March 2001, in Rasmussen M L, 2002.
[54] Quoted in Lowe P, 2001.
[55] Heera Devi, Manehara Pul Camp, 17 March 2001, in Rasmussen M L, 2002.
[56] Treasurer, Central Committee, FKS, in conversation with the authors, 12 March 2004.
[57] In conversation with the authors, 12 March 2004.
[58] In English: Civil Code of 1854.
[59] Robertson A and Mishra S, 1997, p45.
[60] Sharma S, and Thakurathi M, 1998, table 4.24, p52.
[61] Prakash Kaffle, RRN, 4 March 2001, in Rasmussen M L, 2002.
[62] Niraula B B and Paudel M M, 1998.
[63] NHDR 1998, annex 3.7, p266.

CHAPTER 4

The liberation movement

Government understanding and response

The government knew about the human rights violation arising from unjust land and labour relations quite early. However, action was token. Farsightedness was absent. Several studies were done and concern shown to liberate the Kamaiya. The Department of Land Reforms [DLR] even set up the Kamaiya Livelihood Programme in 1995, to 'empower and rehabilitate' the Kamaiya. It ran the gamut of capacity building to institution building to taking on the external forces that hampered their progress.[1]

The right of the Kamaiya to land—the core issue—was not even understood by those in power. Such was the distance between the rulers and the ruled that they could not even comprehend the real issues facing their subjects.

The CPN–UML government did make a good beginning when they were in power. But their government fell in September 1995 just nine months after assuming power, much before they could make a difference. In the short time that they had, they could lay the foundation by setting up the Land Reforms Commission which did a comprehensive study on the issue. The recommendations did address the core issues and proposed a genuine survey and abolition of dual rights—meaning land to the tiller.

Law and policy

A paradox of the polity is that the law already prohibited the Kamaiya system and creating further enabling provisions in the law for liberation was not needed. If the existing legal provisions were implemented, that in itself would be sufficient. However, the political obstruction—even from the judiciary at the highest levels—made this to be a more difficult task than it should have been.

In 1990, with the restoration of multiparty democracy, a new constitution was drawn up. This constitution prohibits all forms of slavery or serfdom. However, no rules were framed. On the surface, it certainly seems that there were sufficient legal instruments for liberation.

The Constitution of the Kingdom of Nepal [1990] is quite straightforward and unambiguous.

- *Article 20 Rights against exploitation, sub-article 1:* Traffic in human beings, slavery, serfdom or forced labour in any form is prohibited. Any violation of this provision shall be punishable by law.
- *Muluki Ain [Civil Code], Tenth Amendment, section 11:* None shall enslave or undertake bondage to anyone; he or she shall be imprisoned for a period of three to ten years if found guilty.
- *Muluki Ain Section 4, wage:* No one is permitted to extract work from any person without his/her consent. Whoever is forced to work against their free will can recover the relevant wage. The person who forces someone to work for him shall pay penalty.
- *The Contract Act, 1964*: Anyone is free to work under suitable conditions. The contract to work is void if it is made under force or undue influence.

Nepal had assumed certain obligations on signing various international instruments. The Government of Nepal had signed ILO Convention 14 concerning weekly rest in industry, Convention 98 application of the principles of the right to organise and bargain collectively, Convention 100 equal remuneration for men and women, Convention 111 discrimination in employment and occupation, and Convention 131 and Convention 138 minimum age of employment. In addition, the Government of Nepal had already ratified ILO Conventions 29 and 105 against forced labour.

Prior to all this, Nepal had signed the Universal Declaration of Human Rights (UDHR), and had ratified the UN convention against slavery in 1956 itself.

The liberation movement tried the judicial means to get the system abolished. INSEC even went to court on the issue in 1993. A case against the Kamaiya system was filed in the Supreme Court demanding a mandamus to enact a law banning the system. INSEC Chairman Sushil Pyakurel applied to the court requesting directives to the cabinet on the formulation of a law liberating bonded labourers, keeping the Kamaiya specifically in mind. The Supreme Court asked the government for its response. In its verdict in 1998, the Supreme Court concluded that a directive was not necessary given that a number of government initiatives were undertaken to address the issue.

On the ground, there needed to be considerable pressure—irresistible force and momentum—to enable the government and the other instruments of state to see light. Though Finance Minister Dr Ram Sharan Mahat announced in the tenth session of parliament, in 1996, that the bonded labour under the Kamaiya system would be eliminated in two years, and promised that a special programme would be designed for their rehabilitation and alternate livelihood skills, government inertia continued. The legal and policy implementation limbo continued right up to 17 July 2000 when the parliament declared the Kamaiya system illegal.

Studies

The first formal study on bonded labour and related forms of slavery from the government side was conducted by the Ministry of Labour and Social Welfare in 1985. It was conducted in Dang, Banke, Bardiya and Surkhet districts to study the reasons why people become bonded labourers, their problems and possible measures for resolving those problems.[2] It concluded that some forms of bonded labour existed in Nepal. However, in 1989, a Royal Commission reversed this position when it stated categorically that there was no slavery or slave-like practice in Nepal.

In 1995, the Sukumbasi Samasya Samadhan Aayog,[3] *SSSA*, was set up under the DLR, Government of Nepal. The commission defined Kamaiya as '*bonded agricultural labourers who are forced to provide hard physical labour without receiving the wage of his/her contribution to repay debt taken by himself/herself or by family members at present or in the past*'. It conducted a comprehensive survey to analyse the situation and magnitude of the problem in all the five districts. The survey undertaken by the Resettlement Commission in all the five districts covered 17,435 Kamaiya households with 25,762 Kamaiya in all.[4] It identified 5,356 indebted Kamaiya families who did not have a house or property. A priority programme of rupees 40 million was drawn up for their rehabilitation.[5]

In the same year, the Ministry of Labour prepared a report on the *Social and Economic Condition of the Kamaiyas* by using primary data collected from Kanchanpur, Kailali and Bardiya districts. The sample size was 732 Kamaiya households. The study addressed the Kamaiya and their working conditions in the districts, and made policy and programme related recommendations for implementation by the government.

In February-March 1996,[6] DLR conducted another *Study on the Kamaiyas*. This extensive survey—the government called it a 'complete census of bonded labourers' in the five districts—covered a total of 15,152 Kamaiya households in Dang, Banke, Bardiya, Kailali and Kanchanpur districts. Also covered were family size, structure, educational status, Sauki, land owned and land tilled for the Kamaiya lord.[7]

When the government started to collect data, we knew something would happen. We saw a hoarding board with a Kamaiya tied with a chain, so we knew we should do something. When the DLRO came for the survey, the Kamaiya lord did not let us meet the staff.

I gathered Kamaiya women and decided to go to the district office and give our details for the survey. So I was targeted as a leader.

Treasurer Shukdaya Chaudhary, Central Committee, FKS[8]

The survey covered all the 150 VDCs and municipalities of the five districts. Bardiya was found to have the highest concentration of Kamaiya and Banke the lowest. The survey focused mainly on the asset and debt situation of the Kamaiya households. The CPN–UML government commissioned this study to create a database to help formulate a bill to abolish the system. Since the government fell before this could be done, the entrenched interests—the caste-class brethren of the Kamaiya lords—sat on this wealth of information for almost four years, before releasing even a summary report. The information in these studies was not distributed nor socialised widely enough for action, either by the government or civil society.

Despite information from in-house studies—which were supplemented by external reports of CSOs—the government continued with its myopic view that the Kamaiya pay off their debts from their own money,[9] though it acknowledged in the same report that '*the Kamaiya system [agricultural bonded labour] is one of the remaining forms of slavery in existence*'. It recommended that the '*government should campaign to liberate bonded labour, and the landlord or Zamindar who do such pious jobs should be recognised and respected socially and morally*'.

The government was in the process of enacting a law banning the Kamaiya system. The bill would have been made law before the year was out. Its motives were suspect because it was so full of holes. It did not even define Kamaiya clearly. Nor did it spell out what was meant by rehabilitation. This bill was clearly an attempt to divert attention and then sweep the issue under the carpet. Due to these reasons, there was strong civil society opposition to the bill. Not surprisingly, ministry officials were also Kamaiya lords, and so had an interest in ensuring that the Tharu remained bonded.

Programmes

The government initiatives in the early 1990s were in education and in exploring alternate avenues for employment. However, it was too little, too late and faulty in implementation. The Kamaiya even came out on to the streets in collective protest against the inadequacy of these measures.[10]

The DLR started the *Kamaiya Rin Mochan Tatha Britti Bikas Karyakram*[11] and another *Rehabilitation of Children of Kamaiya, the bonded labour of Western Nepal* programme. From 1993 training emphasised off farm income activities. These programmes covered tailoring, plumbing, press composing, electric fitting, weaving, hair cutting and carpentry. The Ministry of Labour launched the *Kamaiya Mahila Ship Bikas Talim Karyakram* focussing on the Kamaiya women. The *Kamaiya Rin Mochan Tatha Britti Bikas Karyakram* started with the clear understanding that[12]

- Collective strength is needed to overcome the socio-economic forces working against the Kamaiya.
- Social mobilisation and economic intervention is required to break the vicious cycle that sustains the Kamaiya system.
- Lack of credit is a key feature in bondage. Credit requirements must be met.

The government objective was '*to uplift their socio-economic status so as to enable them to become self reliant*'.[13] To this end, the government trained 2,736 people in 12 trades from 1996 to 1999. As a result, some Kamaiya became free and worked independently. Carpentry, masonry, pig-keeping and sewing were highly successful. The report notes that some Kamaiya did return to their lords after training.[14]

In 1993, the government purchased and provided land to some of the Kamaiya. SSSA started a new programme to address the issue of the Kamaiya. They drew up a programme of rupees 40 million to resettle the 5,356 Kamaiya who had no houses or land in model villages. They ordered that debts without documentary proof cancelled without compensation to the Kamaiya lords. SSSA was allotted rupees ten million. But when the CPN–UML government fell, less than a thousand Kamaiya got land, and none of the model villages were built. The succeeding government put an end to this and transferred some powers of the SSSA to the MoLRM.[15]

In 1996, MoLRM came out with modified proposals, which included education, soft loans and income generation schemes. They would be given government land for 15 years, by which time they would be self-sufficient. There was considerable civil society opposition to this programme since a major part of the expense would go to Kamaiya lords to repay the Sauki.[16] In 1997, SSSA distributed 143 hectares of land to 195 Kamaiya families.[17]

The government functioned based on an 'evolutionary' system, hoping to have the system wither away by a combination of incentive to the Kamaiya lords and skill enhancement for the Kamaiya. It depended on goodwill and appealed to innate human kindness, and did not frontally tackle the system. About 776 families[18] were able to come out of bondage in this 'voluntary' system and were given one katta of land per household in Suryapatwa and Pashupati. This went largely unnoticed because the government, understandably, did not want to publicise this for fear of turning the Kamaiya lords hostile. The CSOs were hostile to the rather slow pace of government action.

The government spent[19] about rupees 15,000 in 1994-95. In the subsequent years, the amount went up to rupees 7.7 million in 1995-96, 10.5 million in 1996-97 and a steep increase to 27.7 million in 1997-98, and rupees 31.9 million in 2001. However, actual allocation was rupees 60 million per year. Clearly then, it was a case of lack of political will rather than lack of resources. The emphasis on savings programmes for Kamaiya was not matched by similar enthusiasm for their fair wages. In the absence of a comprehensive vision, the result of the government programmes was to exacerbate their deprivation.[20]

Civil society concerns

Civil society did not give much attention to the condition of the Tharu, nor to the Kamaiya situation till the 1990s. Most of its energies were focussed on the democracy movement. But the landscape was not all barren. Apart from the Sukumbasi Kanara Andolan and small village level initiatives mentioned earlier, there was a Tharu development organisation taking shape. During the annual Khel meeting in January 1986 at the Maghi[21] festival, Dumrigaon Charpate Club—the predecessor of Shramik Mukti Sangathan,[22] later renamed Backward Society Education [BASE][23]—was born. It was explicitly for the uplift of the Tharu. Unique among its features was that it was membership based. Started with just 34 members, it rose to 85,000 members at the time of liberation.[24]

In 1987, BASE[25] organised a strike in Chakhaura and Bhaibung villages in Dang. The strike started on Maghi, just after harvest, but was called off after a month, because the Kamaiya started to starve.[26] They had successes in Razura where they could claim 70 acres of land. When the landlords tried to intimidate them, the Tharu mobilised 200 members of BASE from surrounding villages. In the direct confrontation, the landlords backed down.[27]

With the restoration of democracy in 1990, there was a small window of opportunity. BASE organised a movement demanding minimum wages for the Kamaiya in five villages in Dang. For two months they refused to work unless they received rupees 50 a day. The strike started after Maghi. But when food ran out, they were forced to return to their Kamaiya lords and to slavery. The protest was ill-timed in that it was not peak agriculture season, and the landlords did not need their labour. A chastened BASE decided to go in for a long-term approach.[28] It would be a decade later, with more experience, with a much more broad based alliance, that another such attempt would be made.

These activities brought BASE to the limelight. No-Frills, the consultancy that was implementing the Vegetable, Fruit and Cash Crops project for USAID through BASE, made a clean break in December 1989. Though its ostensible programmes were growing vegetables, BASE gave a focal point for Tharu unity. This unity threatened the economic and political hegemony of the Brahmin, Chhetri and Thakuri land usurpers. The CDO refused all attempts by BASE to register itself as an NGO and even threw Dilli Chaudhary in jail twice under the Public Security Act for being too political. It was Tharu Attorney General Ramanand Prasad Singh's direct intervention that got BASE registration as an NGO in 1991, enabling it to get foreign, institutional funds.[29]

Studying the issue

Soon after the restoration of democracy, INSEC turned its attention to the issue of bonded labour, the Kamaiya system in particular. This was to be a multi-pronged approach, with almost all CSOs undertaking studies and implementing programmes for the uplift of the Kamaiya. INSEC, as mentioned earlier, tried litigation with little success.

The first Tharu Attorney General Ramanand Prasad Singh tipped off INSEC about a Ministry of Labour report that 'an entire community' was being bonded. He also mentioned that there was a provision called the 'Mohiyani Hak', which was the right of the actual cultivator to claim land grown with cereals. There were a lot of cases filed from the east, but none from the west.[30]

Within two years after the restoration of democracy, in 1992, INSEC published its landmark study *Bonded Labour in Nepal under the Kamaiya system.* The study conducted in Banke, Bardiya, Kailali and Kanchanpur districts found that 93.2 percent of the 100,000 Kamaiya and their families were Tharu. One in six Kamaiya [15.5 percent] was under 15 years of age, 73 percent homeless and 98.2 percent was landless. Literacy was abysmal with 96.3 percent being illiterate. This was followed up in 1996 with further research on the Kamaiya system in all five districts by INSEC with London-based Anti-Slavery International resulting in the publication *Forced to Plough.* In 1997, INSEC did another study and comparative analysis *A Revisit to the Kamaiya System* on the contemporary situation and of the one in 1992.

Meantime, there were other studies too. In 1995, BASE brought out a Kamaiya Report, based on a survey of about 36,000 Kamaiya adults and children. In 1998, AAN conducted a study on '*Gender and Child Issues under Kamaiya System in Mid- and Far Western Terai of Nepal*'. Innumerable papers and special issues of newsletters were brought out by virtually every organisation in the Kamaiya Concern Group [KCG].

The preparatory phase: Early programmes

For most of the 1990s, local and international NGOs implemented service and welfare programmes for the Kamaiya. There were some awareness programmes and a slow, but steady, process of organising.

Most of the early work of the government and the CSOs enriched and served the interests of the rich.[31] The Kamaiya lords, the government officials, CSO staff and the policy makers were all from the same class, oftentimes directly related, and came from the classes that benefited from the Kamaiya system. This hampered CSO work, since even some CSO staff had Kamaiya.

The solutions also tended to be from the perspective of the slave owner. It was reported that in one notorious instance, the government actually repaid the debts to the Kamaiya lords—legalising slavery—and did not do anything for Kamaiya rehabilitation.

Children of Kamaiya could not join schools due to their work for the Kamaiya lord. So *scholarships* were provided to many of them for their school admission and fees to help in primary education. *Family support* was given to some Kamaiya households to initiate alternative income generation activities. The families started goat keeping, pig rearing and some small businesses. The support of rupees 4,000 to rupees 5,000 per family increased their income, but was not sufficient to liberate them.

Saving groups were formed and small regular savings were started. Some families were able to generate income, but others had problems. The *leasehold vegetables farming support programme* was started to help some Kamaiya families. Groups of Kamaiya were provided a bigha of leasehold land for vegetable farming. Potato, cauliflower, cabbage and onion were grown. A small fishery was also developed and about a thousand fingerlings were provided. The Kamaiya worked on the field by rotation. Though the produce was good, they were seasonal. The Kamaiya were not adept at marketing either.

Literacy classes were conducted. Some Kamaiya did become literate. However, literacy did not lead to liberation of the mind. In some cases, even when they were released, they returned to the Kamaiya lord.

The VDCs were lobbied to set up a *village self-reliance fund [VSRF].* The VDC would invest some portion of its funds to uplift the Kamaiya families.

Limitations of programme design and approach

If all the money spent by these organisations and people who claim to be our friends had been really used for us or even given to us, all our problems would have been solved. The Kamaiya have become a begging bowl for the CSOs.

Kamaiya response in November 1997[32]

Programme activities were able to provide some basic services to the Kamaiya families. A few Kamaiya lords liberated their Kamaiya after discussions, but convincing the Kamaiya lords did not help liberate most, or even a significant number, of the Kamaiya. These programmes addressed the superficial level of the problem and failed to strike at the root of the oppressive system. Even the CSOs wanted to 'improve the existing system'. For instance, one recommendation of an otherwise sensitive study[33] was to enact a law to prevent employment of a Kamaiya below the age of 20.

The NGO programmes, whether group formation, savings and micro-credit or literacy could not effectively reach the Kamaiya—who had to work round the clock for their owners. They had to work right through the day and then come for these programmes. If the breakthrough had to be made, then a service delivery approach had to be abandoned in favour of an HRBA approach which would strike at the root of the problem—liberation and rehabilitation.

Those working on specific issues with particular sections found that the sectoral approach did not work. For instance, those working with Kamaiya children found the children pulled off school at the whims and fancies of the Kamaiya lords. Work was possible only to maintain status quo. Betterment was not permitted. The rights of children could not be protected when the rights of the entire community were denied.

The programmes were designed by development professionals. These programmes often did not factor in the long hours of each and every day spent on heavy labour work for the day's food—or the fact that the Kamaiya had to account for every minute to the Kamaiya lord, and therefore could participate in any programme only with the knowledge and consent of the Kamaiya lord. For instance, there were plenty of opportunities for jobs when the 22 bridges were being built. In Kailali district alone over 50,000 people got jobs. It was an ideal time to put to good use all the skill development and other programmes of alternative employment. Yet, not a single Kamaiya could work there—the Kamaiya lords did not let them leave.

The policies, guidelines and strategies often resulted in unnecessarily stretching the Kamaiya beyond their capacity. The multiplicity of organisations led to a multiplicity of approaches, some of them duplication, redundant and some plainly out of touch with grassroots need. The priorities and needs of the community and those of the development professionals were sometimes at odds with each other.

The crucial limitation was the difference in pace between liberation of Kamaiya by this method, and the creation of Kamaiya by the system. In eight years, from 1991 to 1998, BASE had liberated only 600 Kamaiya—and by their estimates there were about 36,000 Kamaiya families that still had to be freed.[34] Government studies showed that there were 18,291[35] Kamaiya households in 2000, compared to 15,152[36] in 1995—an increase of 20 percent. There were more Tharu becoming Kamaiya than were being liberated.

The average size of debt increased by about 50 percent.[37] The number of Kamaiya getting into debt increased by 50 percent.[38] Even those with houses were becoming Kamaiya.[39] Though literacy went up, and school-going children increased from less than one percent in 1992 to almost ten percent in 1997,[40] it was not enough. Just about 20 percent of the Kamaiya benefited from these programmes.[41]

Clearly a better way had to be found.

Preparing for change

It is possible that the Kamaiya would have been liberated through education in about 20 years. But we did not want human suffering for that long.

Regional Manager [West] G B Adhikari, AAN[42]

Keshav[43] kept telling me, 'what you are doing is welfare. It is not right. Get into a [human] rights-based approach from welfare. You are our leader, we will support you'.

Dilli Chaudhary, BASE[44]

Most of the programmes were in the charity and welfare space. This approach gave space and opportunity for a wide range of actors to engage in the process. A more radical approach would have been self-limiting in the earlier stages. These programmes helped build trust and understanding. A set of 'common issues' was shared by most of the Kamaiya—all around the issue of 'freedom': freedom from bondage, from debt and the issue of wage.

While the welfare and charity programmes were undoubtedly necessary, it was evident right at the initial stages itself that it would not be sufficient. The initial studies of INSEC and the ideological orientation of others such as Group for International Solidarity [GRINSO] made it clear that the issue was one of rights, that the Kamaiya had to be organised, and that they themselves must work for their liberation. A key programme was human rights awareness and literacy classes to bring down the 96 percent illiteracy rate. Preparing for the day when freedom could be demanded openly would need to be done simultaneously. All sections of society would need to be prepared, though the key actors—the Kamaiya themselves and the Kamaiya lords—would need to be prepared most.

A unique approach by some organisations was combining human rights awareness along with skill development, preparing the Kamaiya for alternative livelihoods.

At about this time, in 2000 AD,[45] there was a clear division among supporters. The government and the ILO set apart rupees 50 million to repay the Sauki to the Kamaiya lords, while doing nothing for the rehabilitation of the Kamaiya whose freedom would be bought with this taxpayer's money. The Kamaiya owners—most of them MPs and VDC chiefs—were to be rewarded for illegal behaviour, while the Kamaiya got nothing,[46] except a clean slate to restart their spiral of debt, vulnerable to the same debt trap. As the Nepal Human Development Report [NHDR] put it, without marketable skills and market links, debt repayment was not a sustainable solution.[47]

INGOs and multilateral agencies had their own compulsions and were not exempt from supporting the programme. KCG and civil society groups had to campaign against that and ask for an apology from ILO. They felt that if money was to be given, then it should be given to the Kamaiya. In a showdown, the UN agencies were asked to judge for themselves whether this grant was beneficial to the Kamaiya or the Kamaiya lords and whether it was done in the interest of the Kamaiya or because there was a budget provision. After the showdown, the UN agencies were relatively silent for the duration of the campaign.

Organising the Kamaiya

Kamaiya groups were formed in each VDC to organise them and strengthen their solidarity and livelihoods.

In 1996, on the initiative of INSEC, the Kamaiya Mukti Manch,[48] [KMM] was formed. This was the outcome of the strong network of Kamaiya activists and teachers built with the legal awareness classes. The grassroots network covered 32 of the 75 districts in 1995.[49]

After its experience with the labour boycott in five villages of Dang in 1990, BASE too decided to form organisations of Kamaiya in all the five districts. Many other NGOs started working on the same dual track strategy of meeting the basic needs of the Kamaiya, while at the same time freeing their minds and organising them for change.

These efforts drew criticism and attacks from Kamaiya lords. The leaders faced harassment and imprisonment. Personal sacrifices were many. Many were estranged even from close relatives for long periods. As Pramod Pathak of Creation of Creative Society [CCS] accepts without regret:

We are also the same class of landlords. All my relatives had Kamaiya. And I had to fight with all my relatives.[50]

Harassment from all sides, including from government officials—who threw the activists into jail—powerful Kamaiya lords, the rich and well-connected, the political elite… almost everyone had an axe to grind against the human rights defenders who were working well within legal limits to secure constitutionally guaranteed rights.

The state was intensely suspicious. Since the Kamaiya had to work right through the day, these awareness classes and programmes had to be during the night. The personnel at the lower levels of the state machinery could not distinguish between awareness classes for Kamaiya liberation, and CPN [M] recruitment and cadre formation. While amusing in retrospect, there was real and present danger of even bodily harm.

However, this shift had its positive aspects. The CPN [M] threatened the Kamaiya lords into letting the Kamaiya participate in the programmes. The Kamaiya felt that they were also people for the first time, and therefore needed to be free.

The classes for children, apart from the literacy and awareness programmes, were instrumental in bringing in many into the movement. Though there was opposition from the Kamaiya lords for 'putting ideas into the head of the Kamaiya', there was considerable interest among the parents. The parents thought that their children would get a better chance in life if they and their children attended the class.

In the INSEC programme, children below 15 joined the mainstream schools after nine months, and they were given uniforms. Those above 15 were given vocational training. Many of these students became free and participated in the movement. They pulled in their friends. These interventions and programmes created and reinforced a pool of beliefs based on human rights and democratic and egalitarian values. Working at different levels, and with many groups, resulted in many shifting to a common perspective and saying the same thing. This, in turn, led to momentum, media coverage, and visual impact.

Scaling up: From programme to campaign

Gathering forces

The virtual flood of well-researched material on the Kamaiya, both from government and civil society sources, led to heightened visibility of the system. Together with an increase in development funding following the restoration of democracy, significant funding flowed into the area in the mid-1990s. NGOs in the western region mushroomed, in tune with the national trend.

With its petition to the Supreme Court hanging in limbo, INSEC immediately drafted a law called the 'Bonded Labour Elimination Act' for abolishing the Kamaiya system and circulated it to the members of the Pratinidhi Sabha in 1993. In December 1994 came international recognition when Dilli Bahadur Chaudhary of BASE was awarded the Reebok International Human Rights Award for his work among the Tharu.

You [the Kamaiya] are the leader of the liberation campaign. INSEC will always be behind you.

Sushil Pyakurel, INSEC[51]

Keshav[52] kept telling me, 'Get into a [human] rights-based approach from welfare. You are our leader, we will support you'.
Dilli Chaudhary, BASE[53]

I told Dilli 'you come from the community of ex-bonded labourer. It would be positive for you to lead movement and it is of utmost importance to garner support from the broader constituency. AAN will work together to make that happen. A human rights-based approach would be the best.'

Keshav Gautam, AAN[54]

Most of the organisations involved realised rather early on that the Kamaiya liberation campaign must be led by the Kamaiya themselves. Many NGOs promoted organisations of the Kamaiya. Different bodies were formed for the Kamaiya and their supporters. In January 1996, a national conference of Kamaiya was held which created Kamaiya Mukti Manch [KMM], and registered it as a part of GEFONT, the General Federation of Nepalese Trade Unions.

The meeting had important persons. The overwhelming attitude was one of continuity and rootedness in the history of struggle. Speakers defined it from their own political positions:[55]

Kamaiya cannot be liberated without fighting feudalism. Kamaiya liberation campaign is a community upliftment campaign and a case of class struggle. Kamaiya should be freed from Sauki, and have access to free labour market. They should also be settled in a planned way. This should be done in the first phase.

Govinda Koirala, Central Committee Member, CPN–UML

We all poor peasants have come together.

Peasant leader Ashok Chaudhary

Despite the presence of important political figures including a former prime minister, several members of parliament, several trade unions, CSO luminaries, and the vague catch-all promises and even more inane homilies, it is Menaka Pokharel, Secretary of All Nepal Women's Association who had the clearest vision of the path ahead:

Unless and until we organise and start struggle, we cannot be liberated.

For the first time there was a national demand for total liberation and writing off the Sauki. Both KMM and BASE worked in all five districts.

In 1997, the KCG was formed. It was initially an alliance of 20 organisations including NGOs, INGOs, and donor agencies. It became a loose network, without a fixed number or membership, where concerned stakeholders could come. Even government line agencies such as District Land Reforms Office were members or were present in KCG meetings.

KCG did not involve itself ‘hands on’ in the movement. The diversity of organisations within it ensured that. There were varying levels of involvement, and differing positions on strategy. While some fully supported and even promoted the movement—with some staff being jailed—some constituents even opposed the movement, preferring a gradual reformist process instead. However, the diversity also ensured that the movement would use the full constitutional and democratic space. It also ensured that the Kamaiya would have more space within the movement.

The organisations involved came from a range of backgrounds. The economic, social and political backgrounds were as varied. The chief of one CSO came from a family that had Kamaiya, but he and his organisation were at the forefront of the movement. His best friend from college days was the leader of the Kamaiya lords’ association. Dilli Chaudhary came from a family of Kamaiya. Both his parents were Kamaiya. Digvijaya Tharu was a Kamaiya lord, was a founder of Geruwa Gramin Jagaran Samiti, an NGO, and was himself a fighter for Kamaiya liberation. He even went to jail along with his Kamaiya![56]

The members shared resources and discussed policy options, but did not initiate united action. Despite their common concern, differences were significant. Whether or not new legislation was needed to solve the problem was a primary area of difference. When the KCG appealed to the Kamaiya lords to release the Kamaiya, 13 were released.

While the NGOs could work in pockets, the trade unions and mass organisations could work to mobilise the masses on a much larger scale. However, this working in small pockets was balanced out by the international links that the NGOs had. Similarly, regional organisations, such as NGOs, had strong field programmes and regional networks. Their networks and links were less developed in Kathmandu. This made national-level lobbying and influencing difficult. It is here that the KCG provided a vital link since it had many organisations with headquarters in Kathmandu.

For a legal toehold

One of the dilemmas for CSOs was to get a legal provision enacted that would specifically cover the Kamaiya. Some argued that the legal provisions already existed, while others preferred to have an explicit provision. While the constitution delineated policy, and therefore was 'soft' law, translating it into the penal code would give it teeth and make it 'hard' law—operational with punitive clauses.

The strategy was to ask for minimum wages. This would then link bondage to labour standards. Once labour standards were applied, then the labourer-landlord connection would become clear. Then the implementation of the labour standards and laws would become easier. With this in mind, some concentrated on lobbying for minimum wages.

The reluctance was, in part, due to the response of the Supreme Court to the INSEC petition. Even so, while there was widespread disillusionment with the law within the movement, it was recognised that the 'language' of the movement, of rights, needed to be translated into constitutional language of 'law' and 'rules'. The lobbying for minimum wages for agricultural labour was to fill this need. For the state machinery to move, the appropriate legal provisions needed to be in place.

From the village to the headquarters

There were many protests for many years. Some were isolated, many were not thought through. They were, for the most part, ignored. All that was to change dramatically in December 1999, when CCS organised a rally to the Kailali district headquarters Dhangadhi from Hasuliya, 30 kilometres away. The rally was composed of women, children, adults and senior citizens from landless, Kamaiya and wage labour families, VDC officials and CCS staff members. More than 5,000 people marched in the village early in the morning and took the bus to reach Dhangadhi.

Thirty buses full of people reached the DDC office at about 2 p.m. About 1,000 people, and most of the villagers, could not reach Dhangadhi due to lack of transport. Many Kamaiya participated in the rally, compensating their work by sending either brother or father or friend to work in the Kamaiya lord's house for the day. The slogans in the rally were '*Majdur majdur ek hoaun*',[57] '*Kamaiya mukti hunai parchha, Sauki ko bharama bandha banaun paindaina*',[58] '*Bal majdur antya gara, Mahangi niyantran gara*'.[59] The main objective of the rally was to create pressure to fix the minimum wage for all agricultural labourers—whether wage labourers or Kamaiya.

The DDC chairperson and CDO came to the yard when they heard the slogans. The Kamaiya liberation pressure group leader handed over their appeal concerning minimum wage. The DDC chairperson spoke about the Kamaiya 'problem' from the Kamaiya lord's perspective. He promised to provide land for the Kamaiya, and assured them that the issue of minimum wages would be on the agenda for the upcoming DCC meeting.

In Kanchanpur, VDC officials were requested to conduct a meeting together with the DDC to resolve the bonded labour issue in the area. A two-day sensitisation workshop on the Kamaiya issue was organised by NNSWA and the DDC in Mahendranagar on 13 and 14 January 2000. All 17 VDC chairpersons and vice-chairpersons, DDC officials and members, district political party leaders, CSO personnel, journalists, CDO, Superintendent of Police, Land Reforms Officer and two members of the Pratinidhi Sabha from the district participated in the workshop. At the end of the two-day session, the workshop released the 'Kanchanpur Declaration on Kamaiya Liberation 2056 BS'.[60]

Dalo: A common resource pool

Most of the supporting agencies were working on project-based budgets. This was clearly inefficient for a campaign. KCG member organisations agreed on a Dalo[61] concept to work on Kamaiya issues collabouratively. Member organisations of KCG contributed some funds to the basket. The Dalo approach helped meet institutional requirements of accountability, while at the same time meeting the movement demands of flexibility and timeliness.

Creation of the Dalo marks an important milestone in the institutional support. It is a sign of creativity and human ingenuity that is put to use when necessary. The Dalo is the best indication that the supporters involved were willing to go beyond institutional limitations and boundaries to support a just cause. It is an important transformation from following established paths to breaking new ground, from following precedent to creating ways when necessary.

Minimum wage for agricultural labourers

One of the legal gaps, used with devastating effect by the Kamaiya lords was that there was no minimum wages fixed by law for agricultural labour. The minimum wage law covered only industrial labour. This gap was closed on 14 November 1999,[62] when minimum wages were fixed for agricultural labour for the first time in Nepal in Naubasta VDC. INSEC lobbied for rupees 60 per day if the labourers got food and rupees 80 if they didn't.

DDC Banke fixed the minimum wage as rupees 75 for eight hours of work after the Kanchanpur decision. Some VDCs fixed the minimum wage in Bardiya district. This soon covered most of the affected districts. On 13 January 2000, the central government stepped in and announced a uniform minimum wage for unskilled agricultural labourers as rupees 60 per working day of eight hours or rupees 7.50 per hour.[63] This key piece of legislation was to provide the crucial breakthrough.

The Kanchanpur DDC fixed the minimum wage for unskilled agricultural labourers on 14 January 2000. The DDC meeting decision No. 8, date 2056/07/29 says, 'to get rid of Kamaiya slavery system, Kanchanpur DDC decided that the minimum wage for the unskilled agricultural labour is rupees 80 for eight hours of work.'[64] On the same day, Nepal Chaudhary petitioned Laxmipur VDC demanding that he be paid minimum wages for all the years he had worked for his Kamaiya lord. The Kamaiya lord refused to pay him, but granted him freedom and waived his debt.

International inspiration for freedom

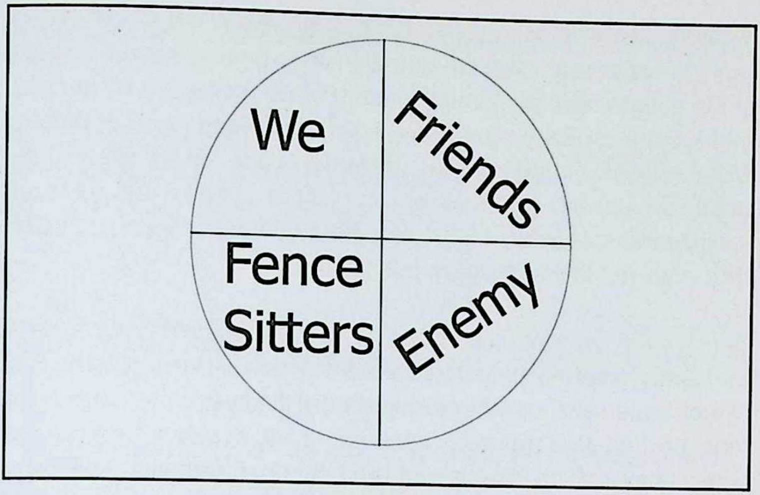
The almost three-month long visit of the 1999 Anti-Slavery Award winner Vivek Pandit at the invitation of AAN was catalytic. It gave focus and fillip to the amorphous movement. Pandit was no stranger to the movement, having been associated with it right from mid-1998. Visitors from BASE to his organisation and Bhoomi Sena—an organisation for land restoration for and of the poor—in India went back decades. He helped in strategising the final push, and in giving concrete direction to the efforts. His guidance ensured attitudinal change that freed the mental shackles of the Kamaiya and thereby made them ready for action towards freedom.

Pandit did a context mapping, analysing 'we, friends, fence sitters and enemies'. Though simple, results were an eye-opener for many of those present. The mapping was virtually the same as that of the national Kamaiya conference in 1996. This input helped in strategising and for using resources optimally. Concerted action could be taken, tailor-made for each constituency, depending on their position.

Strengths, weaknesses, opportunities and threats [SWOT] were identified and analysed at every stage. Negotiation skills were imparted from the strategic—how to hide our weakness and use the weaknesses of the opposition as our strength—to the minutiae such as: When negotiating always bring more points to the table than you want. From those 'negotiate' down to your needs, i.e. if there are three key issues you want from the government, bring along six and get them to agree on the three. Then everyone feels that they have won something, and that they have come to a consensus.

First Pandit interacted with the DDC, VDC, CSOs and people at Kailali district. During the district visit, the Kamaiya lords were most vocal in expressing their concerns. Very few Bandhuwa Kamaiya were present in the interaction programmes. The interaction with Kamaiya together with Kamaiya lords and staff members was very fruitful. Pandit generated ideas on collecting petitions from the

We, the key stakeholders and actors [i.e. Kamaiya and NGOs]	Opposition [i.e. Kamaiya lords, CBO, Land Reforms Office]
Friends [i.e. opposition parties, the media]	Fence sitters [i.e. businessmen, shopkeepers...]



Kamaiya through one-to-one consultations based on the minimum wage rate and using existing legal provisions.

His logic was persuasive:

Calculate the legal minimum wage at the prevailing government fixed rate of rupees 60 per day. A single Kamaiya needs to receive rupees 19,800 per annum at the rate of rupees 60 per day as per the minimum wage fixed by the government for 11 months [with a month's unpaid leave]. This is for eight hours of work per day.

Since he is bonded at the Kamaiya lord's place, he is working more than 16 hours a day. In this case, his cost of work will be rupees 39,600. His labour paid by the Kamaiya lord is five quintals of paddy. This is rupees 4,000 at the contemporary rate of rupees 800 per quintal. The Kamaiya lord gives him a set of clothes. That costs rupees 500. The cost of food provided to him is rupees 10,950 per annum, at rupees 30 per day at the prevalent rate in the villages.

So he gets a total of rupees 15,450 in kind. The Kamaiya lord needs to pay the balance of rupees 24,150 per year to a Kamaiya. So it is the Kamaiya lord who must pay the Kamaiya and not vice versa. This is the case even if there is Sauki.

Ironically, similar logic was already explicitly present in the government report,[65] which said that the Kamaiya were getting only 36 percent of the government-declared minimum wages of rupees 60 per day, and rupees 21,900 per annum. This is daily wage for all 365 days, while Pandit factored in an annual leave of one month without pay. Unlike an activist, no matter how radical, who has to be practical, the government could 'think' more radically, perhaps making provision for a one-month paid holiday, but could not act.

Pandit even went into the nitty-gritty of imparting this knowledge to the Kamaiya, so that they would be convinced about the genuineness of their cause and the inherent injustice of the system. He calculated that through this process, each Kamaiya needs a one-on-one consultation, which takes about two hours per Kamaiya. The wage calculation using the minimum wage rate fixed by the government makes him realise his exploitation. The next would be to inform the Kamaiya about the constitutional provisions that mention, in Article No. 20 [2], that keeping bonded labourers is illegal and the court can punish the bonded labour keeper from three to ten years in prison.

During this time, their situation was analysed. Methods and processes to conscientise the Kamaiya were discussed. All possible alternative strategies were thought through. Why petitions were being filed, how to file them, the possibility of imprisonment and how to cope with being imprisoned... these and many scenarios had to be thoroughly discussed, internalised, and factored in.

The group exercise among the Kamaiya in different places expressed different views:

The Kamaiya present in the interaction programme were surprised, and then excited. They said they would ask for their remuneration as fixed by the government. Gradually, the Kamaiya became aware of the contours of their exploitation, and became bold enough to ask for their legally mandated remuneration from the Kamaiya lords. When they did not get fair remuneration, in a few cases they even had the courage to go in for litigation.

Traditional	Naive	Critical
'We are Kamaiya by age-old tradition'.	'We can't repay the Sauki. How could we be liberated?'	'We can survive freely. We do not want to be bonded like bulls.'
'We are Kamaiya by birth and it is our Karma [belief in fatalism]'.	'We are exploited and sold by Kamaiya lords time and again. What is our option for liberation?'	'Slavery is illegal. It must be punished by law in practice.'
'We will not die of hunger in Kamaiya lords' houses being Kamaiya '.	'How to secure our daily wages?'	'Our labour must be valued and be calculated'.
'Without having a piece of land how will we survive?'	'We do not wish to be bonded, but we are landless.'	'Government should provide security in food and shelter'.

Pandit reviewed Nepali law and, before leaving for India, drafted a concise but comprehensive field activists' 'handbook'. It had specific guidelines to follow for petitioning the government regarding the relevant legal evidence, the process and method for drafting release petitions. It included a model petition with specific 'must-include' information, with whom to file the petitions, and the process to follow regarding release and rehabilitation. AAN staff frequently followed up the progress of the partner NGOs and provided additional support in the form of a three-day training for VDCs.

One-on-one consultations

In the field, CSO staff started consultations between Kamaiya and the Kamaiya lords. Several Kamaiya and Kamaiya lords took part in the process. The discussions were very spirited, and sometimes tense. The consultation process was very difficult at the beginning. Bringing the Kamaiya lords to the meetings itself was difficult. Kamaiya lords used to lose their temper often and then withdraw. Fear kept the Kamaiya from speaking when the Kamaiya lord was present.

Some of the Kamaiya lords were suddenly concerned about the future of the Kamaiya after liberation. What about their children's education? The reply from Kamaiya was 'there is no guarantee for the Kamaiya lords' sons, why worry about us? If we can go out, as the bird makes its nest by itself and feeds itself, we can do the same'.

Kamaiya lords did not agree to liberate their Kamaiya, and raised concerns about migrant labourers coming to Nepal from India for agriculture work, and the repayment of their loan. The reply in the interaction programme was that since 'human trade is illegal, enslaving human beings is also illegal' and that 'culprits could be punished for three to ten years in jail as per the Nepali constitution'.

Interaction with the government

Immediately after the project level interaction, AAN, partner organisations and Pandit's team visited the Kanchanpur DDC. The DDC chairperson was in full agreement with them regarding liberating the Kamaiya. At the interaction programme, the DDC chairperson raised the issue of minimum wage. Article 20 [2] of the Constitution of Nepal was discussed. There was consensus that the judicial authority of the VDC, through the Local Self-governance Act was sufficient, and could be used to punish the Kamaiya lords. The interaction programme increased the morale of the staff members and VDC chairpersons. A series of interaction programmes were organised at the district headquarters and elsewhere with VDC chairpersons, line agency officials including the CDO, DDC, police chief and CSO staff. The DDC chairpersons instructed the VDC officials to use their judicial authority as mentioned in the Local Self-governance Act.

In the meantime, all the 75 CDOs were transferred. Seizing the opportunity, AAN and partner organisations sent the incoming CDOs a letter welcoming them to the district. The letter also informed them about the work being done on the bonded labour issue. The DDC, Kanchanpur, even agreed to organise a follow-up workshop to plan specific follow-up action in the second week of January 2000 before Maghi.

Collecting petitions: Pressure on the ground

The field staff of CSOs were taught the procedure to collect petitions of the Kamaiya in Kanchanpur district. They explained the minimum wage system and clarified the legal provisions. The Kamaiya finally agreed to act. Petitions were collected asking the government for their liberation, security, and compensation.

The concept of petitions, while not new, was quite novel. Even trained lawyers did not know how to write them. The wording had to be precise—the law demands much more of form than content. It had to have all the necessary information and content to fulfil all the requirements of the law. Simultaneously, it should not have any extraneous matter that would give an excuse to the hostile administration to reject it. Rejection could be on both grounds: too much or too little. Given that lawyers were schooled in 'precedents', they were out of their depth. Self-taught activists drafted the petitions, and polished them on the run.

The Kamaiya lords' response

When petitions were being collected, some Kamaiya lords prudently freed 20 Kamaiya. In Pathna VDC, 11 landlords had released their Kamaiya before the government announcement.[66] Others started delaying and used diversionary tactics, requesting skill development programmes for their Kamaiya. Allegations that the Kamaiya were 'Maoists' flew thick and fast. Some called MPs to pressure local NGOs to withdraw. MPs instructed the CDOs to evaluate the situation.

With their new awareness of the provisions in the Nepali constitution, the people could stand firm. A letter was sent to all concerned administrative offices and concerned organisations asking them to provide security. A message was sent to the community to be on high alert. When the government understood this resolve, they did what they were best at: waited and watched.

From a campaign to a movement

With the declaration of the minimum wage for agricultural labour, things started moving at a much faster pace. Within a week, on 18 January 2000, the Kanchanpur DDC concluded an agreement with local Kamaiya lords to release voluntarily 22 Kamaiya families with Sauki of less than rupees 15,000. The ex-Kamaiya and the Kamaiya lords shook hands, and the Kamaiya lords were felicitated with a garland and vermilion. On the same day, Nepal National Social Welfare Association [NNSWA] organised a Maghi celebration for Kamaiya liberation. A rally was organised in Kalika where VDC members, a member of the Pratinidhi Sabha, Kamaiya, local activists and civil society members from six

VDCs participated and demanded that the Kamaiya be liberated from their extreme exploitation. A small ceremony gave recognition to the Kamaiya lords who liberated their Kamaiya and wrote off their debts.

In early January 2000, the General Secretary of CPN–UML issued a party directive to expel members from any position in the party if they were found keeping Kamaiya. The issue was raised in the British Parliament, after the visit of a multinational delegation, which included a British MP, to Nepal.

On 18 March 2000, the Kamaiya of Shankarpur VDC in Kanchanpur district filed a petition against their Kamaiya lord. This case could not be taken to its logical conclusion since two CPN [M] attacks on the Kamaiya lord in the same week drove him from his village. This effectively left the case in limbo.

Despite the restrictions from the Kamaiya lords and long working hours, in about 85 percent of the families, either the Kamaiya [52.3 percent] or family member [32.4 percent] participated in the Free Kamaiya Movement.[67] However, only a third could participate before freedom [35.1 percent] compared to 86.5 percent after liberation. Most [76.7 percent] joined to get land, and 11.8 percent to get their debt written off. Only 6.9 percent joined for 'freedom'.[68]

Kamaiya friends were the chief motivators for other Kamaiya to join in the movement. More than half [57.1 percent] joined due to peers, and a quarter [25.9 percent] on their own. NGOs come a distant third, having motivated just one in ten [11 percent] and politicians a dismal 2.8 percent.[69]

The groundwork for the release campaign suggested by Pandit moved forward very slowly. Though NGOs collected petitions, some organisations did not have the strong internal commitment and courage at all levels necessary to pursue and follow through with the campaign. However, their increased community outreach and organising work put them in a position to participate more fully in the movement once it got underway.

By end April 2000, there was palpable excitement. Everyone was prepared. All that was needed was a push, a trigger. They did not have to wait long.

Crossing the Rubicon

As a Kamaiya I did not know anything. I had to work from 4:30 in the morning till about ten at night. People from GRINSO came to my house and told us about Labour Day celebrations and told us to come. We knew them earlier also, because they did some programmes for children and adult education.

We had to attend the meeting on the sly, hiding it from the Kamaiya lord. Many people spoke on the day. I became aware of many things that day, so I passed on what I learnt to other Kamaiya. This became a movement. On 1 May 2000, on return the Kamaiya lord became very angry.

Chairperson Nathu Ram Kathariya, Kailali District, FKS[70]

A movement must be rooted in the local context, yet encourage its participants to reach for a goal beyond themselves. The liberation movement provided such an opportunity. 1 May 2000[71] provided another. It was International Labour Day. The timing was significant for the local agrarian economy. It was the beginning of the planting season and therefore a peak agriculture time. Demand for labour was high. This would give the Kamaiya increased leverage. Any disruption would be disastrous. It also had symbolic significance being an international day, therefore connecting the local struggle with the global. A fit case of think globally, act locally.

CSOs discussed and planned action on May Day at least for the two preceding years. While engaging in the routine Labour Day celebrations, they tried many new and innovative means to get the crucial breakthrough.

Breaking the mould was the singular contribution of the iconoclastic ex-Kamaiya Yagya Raj Chaudhary. He often had to work on his own, though he had knowledge of and contact with others working towards the same goal. At the time Yagya was a staff member of Ecology, Agriculture and Rural Development Society (ECARDS). He was also a part of the KCG, and a member of the central committee of BASE when the petitions started to be filed.

As Yagya recalls.

When the movement started, there was a meeting with BASE, INSEC, KCG and other organisations working with the Kamaiya. During the meeting, I put forward my opinion that we should not bring in money in the name of the Kamaiyas. ... Shiva Raj Pant is a single Kamaiya lord. He has many Kamaiyas. We should begin with him. 'No', they said, 'we shouldn't do it because it will bring many problems'. They didn't take me seriously. Even when I said: 'Now we should file a case', they didn't believe me. 'Sure', they said, 'Sure!' as if we were making a joke.

Yagya Raj Chaudhary[72]

In central committee meetings of BASE, where I am a member, and in KCG meetings I told them that we should file cases. But they were not enthusiastic. They told me that we had done all that before. Moreover, the legal petitioning route seemed to be a dead end with the INSEC case being put aside by the Supreme Court. So I told them if they would give me the support of just one lawyer, and I would do it. That. BASE agreed to do. So Dilli Raj Dhital was assigned to help me.

Yagya Raj Chaudhary[73]

The liberation struggle did have the strategic and tactical foresight to focus on one large, prominent Kamaiya lord known to be particularly brutal. As former minister Shiva Raj Pant—whose 19 Kamaiya made the breakthrough—wryly admits,

I am not the only Kamaiya lord.... Yet they targeted me. Maybe I was targeted because of my prominence. Maybe it would be easier to deal with other Kamaiya lords if they attacked me first.[74]

Dilli Chaudhary concurs:

If we could win one case against Shiva Raj Pant in Kailali, then we could win many other cases in other districts. Our strategy was to take up one case at a time so that the Kamaiya lords wouldn't unite against us.[75]

So, after months and years of painstaking motivation, late night meetings and threats, Yagya along with Dilli Raj Dhital went to Geta VDC along with the 19 Kamaiya to submit the petition. Shiva Raj Pant had 20 Kamaiya. Among the 20 Kamaiya was a driver who had no Sauki. He developed cold feet and was too frightened to go.

It was strategically decided to file the petition with the VDC since it was the executive body of the state responsible for delivering services at the local level. Each Kamaiya had a file detailing how long they were working for their Kamaiya lord, why they were there and details of their suffering. The key demand was that their Kamaiya lord, former minister Shiva Raj Pant, should pay them the minimum wages fixed by the government. It was almost an anti-climax since the chairman was not present. But the secretary took the petition.

By coincidence, I was not there because I was attending a seminar that day. I came after two or three days. Because it was Saturday the 23rd Baisakh,[76] *I looked through all the things carefully on the 24th. I looked thoroughly, and thought about what should happen here. I myself had felt it was a system of slavery. I thought it would be a serious issue. I also thought that this system should be abolished. Thinking that the VDC could not solve that problem alone, I called a meeting on the 28th.*

Santa Bahadur Karki[77]

The Geta case is one of the defining moments of the Kamaiya liberation movement. However, it must be recognised that the petitions at Geta was one of the many events of the day, and one event among many of several parallel streams of action. There were demonstrations on Labour Day, and many attempted to submit petitions. Petitions were filed by the Kamaiya supported by CCS in Ratanpur VDC.[78] Human Rights Awareness and Social Development Centre [HURASDC] filed cases in Tikapur. INSEC filed cases in different VDCs in the preceding days.[79] CCS organised a demonstration in Dhangadhi demanding Kamaiya liberation. All CSOs were involved in some action or the other, and from the next phase of petition filing, it was a concerted action by all.

On 5 May 2000, the petition was accepted. On 7 May 2000, Geta VDC Chairman Santa Bahadur Karki invited the 19 Kamaiya, Shiva Raj Pant, journalists and organisations working on bonded labour issues to attend a mediation meeting on 10 May 2000. The 19 Kamaiya and about a hundred delegates from the press, government and NGOs attended the mediation meeting.

Going to file the petition itself had its sense of drama. For the Kamaiya, getting to the meeting was an act of courage. Defending the petition at the meeting called by the VDC chairman was even more difficult since the matter was out in the open, and stealth was virtually impossible. Ex-minister Shiva Raj Pant ensured that the Kamaiya would not go to the hearing by giving them additional work—or so he thought.

It was a difficult situation. He asked us why we had filed the case. … he was angry with us. He made us work faster. Then the VDC called us and our Kamaiya lord for a meeting to settle the matter. We asked for leave to go to the VDC meeting, but he did not grant us leave. He said that we didn't need to go as he was going to get the case dismissed. We insisted on going to the VDC. He told us to go and spread manure in the fields. We carried one load of manure to the field and discussed what to do among ourselves. We decided to leave the work and go to the VDC meeting. We did not inform him. We went to the VDC straight from the field.

Raj Dev Chaudhary[80]

True to his word, Shiva Raj Pant did not care to come, though a car was sent to pick him up. The case could not be resolved in his absence. Shiva Raj Pant said he was sick and could not attend for two months. Therefore, the 35-day period within which a formal complaint had to be registered with the competent authority under the Muluki Ain elapsed and the VDC was allowed to drop the issue.

That did not stop progress. The meeting discussed the petitions and decided to demand liberation.

The petition they gave me was for minimum wages. It had four key demands:

- Pay minimum wages.
- A day's work should be only for eight hours.
- Write off the debt.
- Only the Kamaiya would work. The entire family would not be under compulsion to work.

I called a meeting of all the stakeholders, and then asked them to fight for total liberation, and for abolishing the Kamaiya system itself.

We also formed a nine-member struggle committee with NGOs, political parties and government. I was the chairman. However, when the others came in, they made another committee and I was not informed.

But I could challenge the minister as VDC chairman. I took some Kamaiya representatives to Kathmandu to meet the political leaders.

Chairman Santa Bahadur Karki, Geta VDC.[81]

It was found that the correct place to file the petition was the CDO, and not the VDC, in light of its wider scope and powers. So the 19 Kamaiya went there on 11 May 2000, with a letter from the VDC, copied to the Land Reforms Office, the government department responsible for the Kamaiya law. With the help and co-signature of various organisations, the 19 Kamaiya filed their statements with the Kailali CDO Tana Gautam. He refused to register the case twice, saying that he would only accept the petitions filed by the Kamaiya themselves, without NGO help.

The Kamaiya and supporters then had to resort to a sit-in at the office of the CDO. They demanded liberation from bondage, compensation and appropriate remuneration. On the next day, the sit-in continued. On hearing what was going on, about 30 more Kamaiya came forward to get their petitions registered. Tana Gautam again refused to register the case and insulted the Kamaiya and the supporting organisations. Personal abuse, throwing files, disparaging language and the arrogance of power were a deadly combination that demonstrated his insensitivity. The people had had enough. Activists are unanimous in their verdict that it was this abuse and boorish behaviour of CDO Gautam that led to the rather gradualist reform movement turning into one for liberation. Positions hardened. From then on, there was no looking back.

Two days later, on 14 May 2000, a protest rally with seven to eight thousand people was organised against the DAO, which virtually shut down Dhangadhi. On the next day, the Kamaiya—along with their wives and children—and activists staged a silent demonstration since the government did not listen to them. In one of the strongest expressions of protest in Nepal, they tied a black cloth over their mouths. The CDO called for mediation with the Kamaiya lord. The talks reached an agreement on a settlement and the setting up of a commission for the registration and liberation of the other Kamaiya.

On the first of Jestha 2057,[82] *we had a big mass meeting with about 10,000 people gathering. The day after that the CDO was compelled to accept the case. But he didn't handle it himself. He didn't want to get involved and get the burden. He only wrote a letter to the labour office that their Sauki should be nullified.*

Santa Bahadur Karki[83]

On 16 May 2000, the Dhangadhi CDO Gautam finally registered the case. Although the pressure forced Gautam to register the cases, he continued to stall, forwarding the cases to the District Labour Office [DLO]. The DLO sent the case back. On the next day, the Kamaiya filed a new case at the office of the CDO, asking only for freedom and protection from the Kamaiya lords. These were copied to the prime minister, to apply greater pressure on the local administration. On 18 May, the women, children and senior citizens staged their own silent demonstration.

The Kamaiya returned to the CDO to check how the process was going. Nothing had happened. They demanded that the CDO talk to Shiva Raj Pant, the Kamaiya lord. The CDO said the government was unable to do anything further. However, he refused to confirm this in writing so that the movement could proceed to the next level.

The campaign grew in scope and significance. Most local NGOs and INGOs working in the area responded quickly to support the petitions and the campaign. The pressure was mounting. Finally, an all-party meeting forced Shiva Raj Pant to free the 19 Kamaiya. Twelve days after the sit-in started, Shiva Raj Pant came to the CDO and declared the 19 Kamaiya free on 23 May 2000. Two weeks after the petition was registered, the sit-in was suspended after the government allocated approximately 0.12 hectares of land per family for the rehabilitation of the Kamaiya.

Momentum for a movement

Though the campaign generated widespread national attention, the government continued stonewalling. Government officials were openly hostile to the effort. The Minister for Land Reforms visited Kailali district in mid-May and announced that bonded labour was not as serious a problem as human rights organisations suggested. He stated that the government would solve the problem in four years, but refused to acknowledge the Kamaiya's freedom in the eyes of the law.

Geta VDC Chairman Santa Bahadur Karki even travelled to Kathmandu with four Kamaiya to pressure the central government to resolve the issue. Since the prime minister was not there, he went to the Ministry of Labour. Though national and international coverage was significant, with interviews in major newspapers and TV channels, the government remained mired in its own stubborn inertia.

Once the petitions were accepted, then we called a meeting of the KCG, and everyone started doing it. In just a couple of months almost

1,500 petitions were filed.

Yagya Raj Chaudhary BASE[84]

KCG was able to ensure coordinated action in all the five districts. The many organisations and the diverse richness of KCG ensured that the movement could be sustained at a hectic pace.

After the movement started, Kamaiya Mukti Andolan Parichalan Samiti [KMAPS] was set up. On 16 May 2000, INSEC and chairperson of KCG organised a meeting in which the 15-member KMAPS was formed, with diverse representation. Its members included two Kamaiya and 13 from different NGOs working with the Kamaiya, in each of the five districts. The coordinated effort led to many Kamaiya being motivated to participate actively in the freedom movement. This coordinated effort by many ensured that the movement could overcome obstacles from society and the state.

BASE was the lead agency of the central committee. District committees were formed in each district. Boat for Community Development [BCD] was the lead agency in Dang, INSEC in Banke, Radhakrishna Tharu Jan Sewa Kendra [RKJS] in Bardiya, and CCS in Kailali. In Kanchanpur the leaders were NNSWA and GEFONT.

Sit-ins, rallies, speeches and petitions were arranged every day for 15 days. The police attacked them with batons, but this only made the Kamaiya stronger, since they had nothing to lose.

Each day there was a novel form of protest. There were rallies with music [baja], tom-toms, banging on empty plates, a torchlight rally, black ribbon rallies, street comer meetings and press releases—in short, a lot of work for everyone. The campaigners had their own sense of irony and humour. Banging the plates was to get the CDO to wake up, since he was 'sleeping on their petitions'. On the ninth day, a torchlight rally was taken out during the day. They explained to the people that the CDO could not see well so they were helping him see![85]

On 20 May 2000, an estimated 20,000 people demonstrated in Dhangadhi. On 21 May 2000, 48 Kamaiya from six VDCs in Kanchanpur district filed separate petitions with VDC offices demanding freedom. Within two days, on 23 May, Parasan VDC issued a freedom certificate to Bahadur Rana, who had submitted an application on 21 May. On 30 May, about 10,000 people converged in Dhangadhi in a mammoth protest march. The former speaker of the parliament Daman Nath Dhungana, member of the standing committee CPN–UML Keshav Badal, Jogmehar Shrestha of the royalist RPP[86] and Vivek Pandit were present.

On 6 June, KMAPS-Bardiya lobbied political parties and got pledges of support from their leaders at a meeting. On 7 June, the Kamaiya assembled in Gulariya Bazaar demanding their liberation.

On 12 June 2000, 676 Kamaiya from five districts filed petitions with the respective CDOs demanding freedom from bondage, resettlement and protection from Kamaiya lords. NNSWA initiated two rounds of petitioning on 12 and 18 June. On 12 June, 16 Kamaiya of the Kalika VDC filed the petition in the DAO and they asked the CDO about the action on petition filed previously. On 18 June, 41 Kamaiya of Kalika, Laxmipur, Baisibichuwa, Parasan, Tribhuwanbasti and Shankarpur VDCs filed the petition in the DAO, Kanchanpur and they asked the CDO about the action taken on the petition filed previously.

On 25 June, 377 Kamaiya from Manau VDC filed their petitions. On 27 June, 93 Kamaiya filed similar petitions in Khairichandanpur VDC office and held a mass meeting there. On 1 July, 105 Kamaiya from Bardiya filed similar petitions in Dhodhari VDC.

Six Kamaiya were freed on 8 June 2000 by three CPN–UML leaders in Kailali district. CPN–UML leaders asked all their party members to release their Kamaiya and pay them the legally stipulated wages. On 27 June, Harihar Gautam, former chairman Khairichandanpur VDC and a member of SSSA Bardiya declared Bhagi Ram Tharu and Chuluwa Tharu, his two Kamaiya, free. Bhim Bahadur Khadka from ward No. 9 of Khairichandanpur VDC also declared his Kamaiya free. In early June, NGOs drafted a letter to the members of the Pratinidhi Sabha expressing their strong support for the movement and urging the government to take appropriate legal action.

On 4 July, a grand meeting of bonded labour was held in Dhangadhi, from which an 11-member Kamaiya Andolan Kamiti[87] was formed under the leadership of Raj Dev Chaudhary. On 8 July, Kanchanpur local government officials, NGOs, Kamaiya lords and the Kamaiya agreed on a formula to liberate the Kamaiya in the district. Mass protests continued.

March to Kathmandu

In earlier years people used to raise their voice against the system, but it would not reach above the local levels. It never reached the central level. Sometimes they wrote letters to the local administration. What happened this time was that a lot of people from different districts went to Kathmandu to give pressure. That hadn't happened before. And it was very well coordinated. That's why it was more effective this time. And the tendency of exploitation had already crossed the limits.

Komal Prasad Chaudhary, Geruwa Gramin Jagaran Samiti[88]

The work of a decade bore fruit as the trickle of petitions turned into an avalanche. There was coordinated effort to ensure that as many petitions as possible would be filed from all over the Kamaiya prone districts. By mid-July, about 1,400 petitions were filed. Organisations throughout the area helped the Kamaiya file petitions in their respective office of the CDOs.

However, the government organised very fast. Instead of actively opposing the petitioners, as Gautam stupidly did, the CDOs registered the cases immediately, but took no further action. The *Farmers Protest Association* representing the Kamaiya lords was constituted on 9 July 2000.[89] They swiftly counterattacked. Many Kamaiya lords became even more brutal. Clearly, a more activist stance and better strategy was needed. The movement had to scale up.

I joined the movement quite by chance. I was in a project awareness class for two years. My husband was extremely angry and threatened to burn me. I went to the VDC as part of the campaign.

Vice-chairwoman Moti Devi, Central Committee, FKS[90]

It soon became clear that the CDO would not actually do anything, and so it was decided to go to the parliament, the Singha Durbar, in Kathmandu, and have a sit-in while parliament was in session.

After 14 days of sit-in, the CDO was ready to file the case, but only for minimum wages. But we wanted him to accept the case with the other demands as well. So we gave an ultimatum [to include all the demands within] of three days otherwise we would go to Kathmandu. After those three days we went to Kathmandu.

Firu Lal Chaudhary, General Secretary, HURASDC[91]

A call was sent out that each village should send one Kamaiya. From Bardiya, 46 Kamaiya including 12 Kamaiya women went. Nearly 200 Kamaiya representatives from the five districts went by bus to Kathmandu and organised a sit-in and hunger strike at Bhadrakali from 11 to 16 July.

On 20 Ashadh 2057, there was a problem. So I went to Kathmandu along with others from five districts. I had no food for myself or for my children. At the sit-in we were baton charged by the police and put in prison. But after an hour and a half we were released because the government declared all Kamaiya free.

Vice-chairwoman Moti Devi, Central Committee, FKS[92]

On 13 July, Kamaiya couple Dip Rani Tharu and her husband Janak Ram Tharu from Bardiya led the demonstration in Kathmandu.[93] There were simultaneous demonstrations in Gulariya, Bardiya district, in support of the protest in Kathmandu.

They demanded that the government design and announce a programme of action to free and rehabilitate the Kamaiya on Friday, 14 July 2000.

Their key demands were:
- Release from the Kamaiya lords.
- Minimum wages and back pay for all their unpaid work.
- Ownership of the land on which they had lived for generations.
- Protection from reprisals.

Simultaneously, on 12 July, Kamaiya in all the five districts submitted a memorandum to the CDOs of the respective districts, and conducted sit-ins in front of the DAOs.

On 13 July 2000, the leader of the main opposition party, CPN–UML, Madhav Kumar Nepal, and other opposition groups threatened to close parliament the next day, 14 July 2000, if the prime minister failed to free the Kamaiya. In the face of the threat, the government did not convene parliament on 14 July. Politicians came out from the parliament to meet the protesting Kamaiya. The CPN–UML formally announced on Sunday, 16 July 2000, that they would allow no business to be carried out in the House until the Kamaiya were declared free.

There was hectic parleying behind the scenes. The Kamaiya and the supporting organisations decided to meet all the MPs together. This was done. INSEC met the CPN–UML MPs separately. The CPN–UML MPs were asked how could they—who were for social justice—not bring it up in the house. At the same time, as CPN–UML would not be in government till the next elections, the Nepali Congress MPs were also lobbied and asked whether they wanted to cede the entire credit to the CPN–UML.

In late-night cabinet discussions, the minister—who was from Eastern Nepal—did not want the law to cover the bonded labour systems of Eastern Nepal. So he wanted that to be deleted from the draft bill. However, given the pressure of time, and with quick thinking, the names of the other bonded labour systems were removed only from the title.[94] In the text of the Act, it is clearly mentioned that 'Kamaiya' includes Bhaisbar, Gaiwar, Vardikar, Chhekarbar, Haruwa, Charuwa, Hali, Gothalo, Kamalariya or under similar other names.[95]

Those on protest were reaching the end of their endurance limits. Raj Dev Chaudhary, unwittingly reveals just how bad the situation of the Kamaiya was:[96]

I felt good about being taken into police custody because I thought they would give us food.

On 17 July 2000,[97] a demonstration was held in Kathmandu. The demonstrators carried out their promise to move into the off-limit area in front of the parliament and were prepared to be arrested. A human chain was formed around Singha Durbar. The Kamaiya were baton charged and arrested. Many of them spent time under detention at the police training centre, but it was a short stay.

Faced with a deadlock in parliament, the cabinet declared the Kamaiya free by decree. Minister for Land Reforms and Management Siddha Raj Ojha declared on the floor of the parliament that the Kamaiya system was abolished, the Kamaiya were free and their debt written off. Minister for Finance Mahesh Acharya promised to start programmes for skill development, income generation and employment and that all would be rehabilitated by mid-January 2001.[98]

This was certainly a historic moment, comparable only to the restoration of democracy in Nepal a decade earlier.

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[1] Sharma S, and Thakurathi M, 1998, p28.

[2] Shrestha K P, Shrestha N L, 1999, p3.

[3] In English: Squatters' Problem Resolution Commission.

[4] Department of Housing and Physical Planning, quoted in Sharma S, and Thakurathi M, 1998, p24 and Report of the Social and Economic Conditions of the Kamaiya, Ministry of Labour, 1995 quoted in NHDR 1998, p110, 111.

[5] Dhakal S, Rai J, Chemjong D, Maharjan D, Pradhan P, Maharjan J and Chaudhary S, 2000, p74 and Robertson A and

Mishra S, 1997, p76, 78.

[6] Falgun 2052 BS.

[7] Shrestha K P, Shrestha N L, 1999, p11.

[8] In conversation with the authors, 12 March 2004.

[9] Shrestha K P, Shrestha N L, 1999, p38.

[10] NHDR 1998, p113.

[11] In English: Kamaiya Debt Release and Career Development Programme. After liberation this was converted into Kamaiya Punarsthapan Tatha Britti Bikas Karyakram.

[12] Sharma S, and Thakurathi M, 1998, p28.

[13] Shrestha K P, Shrestha N L, 1999, p3.

[14] Shrestha K P, Shrestha N L, 1999, p36, 37.

[15] Robertson A and Mishra S, 1997, p76-78.

[16] Robertson A and Mishra S, 1997, p78.

[17] Sharma S, and Thakurathi M, 1998, p32.

[18] Uddhav Poudyal, ILO, in conversation with the authors, 9 March 2004.

[19] Figures up to 1998 from Sharma S, and Thakurathi M, 1998, p27.

[20] NHDR 1998, p113.

[21] Magh 2042 BS.

[22] In English: Labour Liberation Organisation.

[23] For the sake of consistency, and since the key players have remained the same, we use BASE right through the text, though BASE itself was born only in 1991.

[24] Dilli Chaudhary, Acceptance Speech, Anti-Slavery Award, 2002.

[25] Strictly speaking Shramik Mukti Sangathan [Labour Liberation Organisation] is the forerunner of BASE.

[26] Robertson A and Mishra S, 1997, p64.

[27] Cox T, Backward Society Education [BASE], The development of a grassroots movement, 1994, p10.

[28] Dilli Chaudhary, Acceptance Speech, Anti-Slavery Award, 2002.

[29] Cox T, 1994, p10, 11.

[30] Sushil Pyakurel, NHRC, founder INSEC, in conversation with the authors, 16 March 2004.

[31] Dhakal S, Rai J, Chemjong D, Maharjan D, Pradhan P, Maharjan J and Chaudhary S, 2000, p80.

[32] Paraphrased from Niraula B B and Paudel M M, 1998.

[33] Niraula B B and Paudel M M, 1998.

[34] Dilli Chaudhary, Acceptance Speech, Anti-Slavery Award, 2002.

[35] DLRO, Dang, Banke, Bardiya, Kailali and Kanchanpur.

[36] Shrestha K P, Shrestha N L, 1999, p12.

[37] Sharma S, and Thakurathi M, 1998, p63, 64.

[38] Sharma S, and Thakurathi M, 1998, p64.

[39] Sharma S, and Thakurathi M, 1998, p63.

[40] Sharma S, and Thakurathi M, 1998, p62.

[41] Sharma S, and Thakurathi M, 1998, p55.

[42] In conversation with the authors, 30 April 2003.

[43] Keshav Gautam, then Country Director, AAN.

[44] In conversation with the authors, 13 March 2004.

[45] 2057 BS.

[46] Former Minister for Agriculture Keshab Badal, quoted in Dhakal S, Rai J, Chemjong D, Maharjan D, Pradhan P, Maharjan J and Chaudhary S, 2000, p79.

[47] NHDR 1998, p111.

[48] In English: Kamaiya Liberation Forum, therefore sometimes known by the abbreviation KLF.

[49] Robertson A and Mishra S, 1997, px.

[50] Quoted in Rasmussen M L, 2002.

[51] Anon, *Bonded Families can Never Rest*, A report of the Kamaiya conference, INSEC, 1996, p7.

[52] Keshav Gautam, then Country Director, AAN.

[53] Dilli Chaudhary, BASE, in conversation with the authors, 13 March 2004.

[54] In conversation with the authors, 2 May 2003.

[55] Anon, INSEC, 1996, p5,6.

[56] Lowe P, 2001.

[57] In English: Let all labourers unite.

[58] In English: Liberate all Kamaiya, no one can be bonded because of Sauki.

[59] In English: End child labour.

[60] January in 2056 BS = 2000 AD.

[61] In English: A common resource pool or a resource 'basket'.

[62] 29-7-2056 BS.

[63] This was on the basis of the minimum wages for industrial labour being rupees 62.
[64] Kanchanpur DDC member Bal Bahadur Dangaura read out the DDC decision during the interaction programme at Kalika and Kanchanpur.
[65] Shrestha K P, Shrestha N L, 1999, p36.
[66] Bal Krishna Chaudhary, RRN, in Rasmussen M L, 2002.
[67] Gurung Y B, Summary of Findings: Freed Kamaiya: Change Observation Study in Five Kamaiya Districts, Central Department of Population Studies, Tribhuvan University, Kirtipur, Kathmandu, Nepal. AAN, 2003. The study covered 66,143 ex-Kamaiya, 31,435 women and 34,708 men in 11,313 ex-Kamaiya households. The field investigation was from March to May 2003.
[68] Gurung Y B, 2003.
[69] Gurung Y B, 2003.
[70] In conversation with the authors, 10 March 2004.
[71] 19 Baisakh 2057BS.
[72] Quoted in Lowe P, 2001.
[73] In conversation with the authors, 11 March 2004.
[74] Quoted in Lowe P, 2001.
[75] Quoted in Lowe P, 2001.
[76] All dates within this quote are in Bikram Sambat.
[77] Santa Bahadur Karki, Chairman, Geta VDC, 17 March 2001 in Rasmussen M L, 2002.
[78] Rasmussen M L, 2002.
[79] Shailesh Sharma, INSEC, 8 March 2001 in Rasmussen M L, 2002.
[80] Quoted in Lowe P, 2001.
[81] In conversation with the authors, 12 March 2004.
[82] 14 May 2000.
[83] Santa Bahadur Karki, Chairman, Geta VDC, 17 March 2001 in Rasmussen M L, 2002.
[84] In conversation with the authors, 11 March 2004.
[85] Tilak Tharu, BASE, quoted in Rasmussen M L, 2002.
[86] In English: National Democratic Party or NDP.
[87] In English: Kamaiya Movement Committee.
[88] Komal Prasad Chaudhary, 6 March 2001 in Rasmussen M L, 2002.
[89] 25 Ashadh 2057. Hem Upreti, President, The Farmers Protest Association, Kailali, 19 March 2001 in Rasmussen M L, 2002.
[90] In conversation with authors, 10 March 2004.
[91] Firu Lal Chaudhary 6 March 2001 in Rasmussen M L, 2002.
[92] In conversation with authors, 10 March 2004.
[93] To their delight, their photograph was published on the front page of Mukta Paila, Year: I, Number-2, 2060 BS.
[94] Uddhav Poudyal, ILO, in conversation with the authors, 9 March 2004.
[95] Kamaiya Labour [Prohibition] Act, 2002, Chapter 1.2.b.
[96] Quoted in Lowe P, 2001.
[97] 2 Shrawan 2057 BS.
[98] Jyoti Lal Ban, Kamaiya Emancipation from the Beginning to the Present in Ekchhin, 2002.

CHAPTER 5

Coping with Success

Free!

Euphoria

Over 18,000 Kamaiya families were set free by the proclamation. The declaration was considered sufficient, though it was only on 22 February 2002 that the law prohibiting Kamaiya bonded labour was passed. The Kamaiya went home to uncertain welcome. The contours of 'freedom' were not yet crystallised. On 25 July, victory day was celebrated by over 2,000 ex-Kamaiya in a huge rally in Gulariya. On 6 August 2000 about 16,000 Kamaiya attended a victory rally in the pouring rain in Kailali.

The Government of Nepal formed a Central Level Freed Kamaiya Rehabilitation and Coordination Committee, CLFKRCC, chaired by the deputy prime minister, and District Level Freed Kamaiya Rehabilitation and Coordination Committee, DLFKRCC, in the five districts chaired by the DDC.

The government[1] undertook a survey to update their data of Kamaiya as on 17 July 2000 based on the 1995 survey. They identified 19,863 Kamaiya households in the five districts by August 2000.[2] This was an increment of 4,711 households—almost a third [31 percent]—in

Kamaiya families by district and their classification

S N	District	Total No. of Kamaiya families	Landless and houseless	Landless	House and up to two katta of land	House and more than two katta	Government classification	Card colour	Remarks
1	Banke	1,342	165	736	21	420	A	Red	28 VDCs
2	Bardiya	6,979	2,691	1,203	1,019	2,066	B	Blue	31 VDCs and one municipality
3	Kailali	5,673	2,647	2,477	199	350	C	Yellow	35 VDCs and two municipalities
4	Kanchanpur	3,170	2,453	482	137	351	D	White	17 VDCs and one municipality
5	Dang	1,127	175	230	371	351			
	Total	18,291	8,131	5,128	1,747	3,285			

Source: DLRO, Dang, Banke, Bardiya, Kailali and Kanchanpur.

the five years from 1995 to 2000. The previous MoLRM study[3] identified 15,152 Kamaiya households.

The DLROs of respective districts updated the data of Kamaiya till February 2001 and published the number of 18,256 households freed Kamaiya at that time. However, later on these offices identified the number of 18,146 households during the land distribution. After verification, government line agency DLRO found 18,291 ex-Kamaiya, categorised them and distributed identity cards accordingly.

Government categorised the Kamaiya into four:

- Those without land or house: the landless and houseless.
- Those having a house, but were without land, the landless or those living on government land.
- Those having a house, and up to two katta of land.
- Those having a house, and more than two katta of land.

The government issued colour-coded identity cards to them. Those in category A got red cards, blue for B, yellow for C, and white for category D.

However, no actual count was available, and the figures continued to change with every survey. Every fresh survey, even in 2004, identifies new ex-Kamaiya—9,636 who were given cards in 2004—left-out Kamaiya or misclassified Kamaiya.

A hard dose of reality

The euphoria of success and liberation soon gave way to reality. Reality was brutal and unforgiving. The Kamaiya lords did not like being stripped of the Kamaiya and becoming only 'land' lords. Within hours of the announcement, many ex-Kamaiya lords in Kailali and Kanchanpur districts[4] chased the Kamaiya from their house without giving due wages. The ex-lords grabbed the meagre belongings of the ex-Kamaiya, even their utensils and food grains. The Kamaiya were forced to settle under the open sky in the midst of the monsoon rains.

Minister Siddha Raj Ojha announced that the ex-Kamaiya could stay in the ex-lord's house by 'mutual consent' till rehabilitation. His brother and the Assistant Land Reforms minister all had Kamaiya. Even the more liberal landlords were unhappy with the timing,[5] preferring economic interest to override justice. Unhappy with this bolt from the blue during the agricultural year, some Kamaiya lords, wanted the Kamaiya to continue working till the Maghi harvest.

I kept him for rupees 25,000 for two years. It is time to plant paddy. He is busy with that. It would have been better had the government banned the Kamaiya system some time in Poush,[6] the harvest season.

Landlord K Pandey

But the Kamaiya would have it no other way. They were happy to be free, though they faced harassment as 'Maoists' soon after.

Liberation was a happy time. Our debts were written off. When we came back there was some conflict between the Sukumbasi and us. The visit of the survey team was disrupted. We could build our huts only after a year. Many went to collect leaves, grass and other material for roofing, but it was scarce, and also illegal. The police came in disguise to catch us, but we were warned beforehand.

Many people told me not to go for the campaign since I am a woman. But I continued to go, even though my child was not well. One day when I returned, my baby had already died. The police say that I am an ex-Kamaiya behaving like a Maoist. They keep threatening to shoot my child and me. I was harassed by them many times and told to be 'quiet like my husband'.

When I tell them that I am doing something for the Kamaiya, they say that what I am doing is good, and that I must continue. But then they don't know what to do with me. And so they get angry again. I am made to go to the police station again after a few days.

Vice-chairwoman Moti Devi, Central Committee, FKS[7]

After liberation we went back to where we were staying. Nobody wanted to stay there anymore. Some landlords did not let the Kamaiya *free. They tried to keep all our things, including utensils. We had to go as a group to retrieve them. There was a lot of pushing and pulling, but we finally managed to get it all back.*

It was raining. Five households left and built houses in another place. The next day more families came. Within a week all seven bigha were full. Then we campaigned for more land. I had a year-old daughter then. I left her at home and campaigned everywhere. There were meetings and strategy sessions everyday.

We stayed in our first place for seven months. Then we moved to the forests.

Treasurer Shukdaya Chaudhary, Central Committee, FKS[8]

After liberation, the landlords planned to throw us out, saying 'let's see where they can go'. They took all our possessions, including clothes, utensils and provisions. They asked us 'can your NGOs help you now?' But we, 28 Kamaiya families, came to know of this. We united and prevented them from doing this to us. We shifted to the VDC office collectively. Along the way, we found another group of ex-Kamaiya in the same situation with the ex-lords, and we helped them.

We spent one year in the VDC, and one year in a temporary camp in the forest. After two years, we got five katta of land far away.

Chairperson Nathu Ram Kathariya, Kailali District, FKS[9]

And some were just pragmatic.

I knew about the liberation of the Kamaiya from that very day, the 2nd of Shrawan. But I ignored that because I had a contract with the landlord. So although the government announced we should not be in the system, we had done a lot of work in the landlord's house and the contract was not finished. So we stayed up to Maghi.

We had worked hard, sweated, so why should we leave before? Would the government pay our remuneration for that contract? No, *they would never have paid. So we just ignored the liberation. [So I left on] the second of Maghi. I had loan of rupees 2,000, but the landlord excused it.*

Bhakta Lal[10]

After the abolition of the system, I stayed in the landlord's house. So I asked the landlord whether I had to pay rent for the house, but the landlord said, 'you have worked many years for me so you don't have to pay rent. You can stay in my land'.

Bandhu Ram Chaudhary[11]

Where the movement was mature, especially in Bardiya and Dang, the process was measured. Some leaders did not get carried away by the euphoria, and prepared a well thought-out response. On 25 July, they called for a mass meeting in Gulariya. It was publicly decided in that meeting that the ex-Kamaiya of Bardiya would get a share of the harvest since they had already invested their labour in sowing.[12] They would stay with the landlords till the Maghi harvest.

In July, just after declaration, or at the beginning of August, we invited those landlords, political parties, Kamaiya leaders and came into contention that no Kamaiya should be displaced from the landlords' house. No one.

The next thing was that the Kamaiya should get Bigha.[13] *Sauki was already declared illegal so no one would deduct Sauki from the Bigha. And everyone signed the memorandum: political parties, Kamaiya leaders, landlords, the CDO. And after Maghi they left the house.*

Prakash Kaffle[14]

Emergency relief

Staying in the open during monsoons was difficult, but they had no choice. The KSS set up camps for temporary shelters in Kailali district. The ex-Kamaiya came to the camps, but they had no food, tents, clothes, and utensils for cooking and cooking materials.

The first camp was established in Dhangadhi's old airport at Tikapur, which was inoperative during the monsoons. The government and civil society infrastructure and preparedness were woefully inadequate. Despite the fact that people were dying, the government wanted to provide relief only after two months.

The DDC chairman said it was difficult for the government to do anything for us because it was the rainy season so he told us to go to the airport site. 'After Dashain, we will be doing something for you'.

Bandhu Ram Chaudhary and Chait Ram Tharu[15]

This wait of two to three months while the government got its act together was too much for the destitute ex-Kamaiya—and in any case, this was honoured more in the breach. Caught in this quagmire were the unfortunate ex-Kamaiya. A number of them died due to stress, malnutrition and disease. At the Tikapur camp 28 died. Three died at Manehara Pul Camp.[16] Children died at Kailali camp. Because of the cold five died in Kailali and four in Kanchanpur. They suffered from encephalitis and diarrhoea, which caused deaths as well.[17]

It was monsoon. Many settlements were very close to water. They had no mosquito nets, so they caught epidemic diseases, like encephalitis and a few even lost their lives. In winter, they suffered from viral influenza, Japanese encephalitis, diarrhoea and dysentery. They had worm infestation in summer.[18] The children were not vaccinated, since neither they nor their parents were allowed to go out from the Kamaiya lords' farms. This led to many falling victim to measles during this time. They had to be rushed for emergency treatment. NGOs did have community medical auxiliary services in some camps, but it was inadequate.

According to a free health check-up performed in six camps by International Nepal Fellowship in Jhalari and Shovatal of Kailali and Manehara and Geta of Kanchanpur districts, 90 percent of the children suffered from malnutrition, 80 percent of the women from anaemia and most males had chest-pain and back-pain.

CSOs, relief organisations such as the Red Cross, and government agencies, supported the ex-Kamaiya by providing various kinds of relief. They had no tents or material for making huts. CSOs supported them with food, plastic sheets for roofing and stoves for immediate emergency relief. The government of Nepal provided ten kilograms of rice[19] to each Kamaiya staying in the camps.

The situation became so desperate that NGOs were forced to step in and directly provide subsistence livelihoods for the ex-Kamaiya. For instance, CCS had two vegetable farms and one pig-raising farm in the project area. Eight liberated Kamaiya were given temporary jobs there. NGO activists had to become relief workers, a role they were ill-equipped for.

At that time, there were 31 camps in Kailali, 20 in Kanchanpur, four in Bardiya, one in Banke and two in Dang.[20] Later on, the number of camps increased significantly in Bardiya. Some stayed in government buildings.

Confusion and conflict

Conflict between ex-Kamaiya and landlords

Some landlords forced the Kamaiya to work for the realization of Sauki until the Maghi harvest—virtually forcing them to complete the 'contract period' and the agricultural cycle. In some cases the Kamaiya had nowhere else to go. During this period, there were many altercations including physical assaults between the ex-Kamaiya and the landlords. Where the CPN [M] movement was strong, the landlords fled to the cities. This tension resulted in the consolidation of the landlords on the one hand, and the ex-Kamaiya on the other.

The leaders of any movement, indeed anyone who challenges status quo, are the obvious targets for retribution and revenge, even when the movement becomes a success and status quo is changed. The liberation movement failed to factor this into their analysis and response. It did not have a special provision to take care of its frontline activists. This gave undue leverage to the bureaucrats, who were hostile to the ex-Kamaiya and the liberation movement, and put them again at the mercy of the landlords.

I asked the landlord four times to sign the registration form that I need to get the land. He refused. 'You were my Kamaiya before the movement, but you went away so you are no longer my Kamaiya' he said. Other Kamaiya have the same problem. We will go to BASE and ask for advice on what to do.

Man Bahadur Chaudhary[21]

Many Kamaiya were left out of government identification because the ex-Kamaiya lords did not sign the papers due to the ongoing conflict.

Bureaucratic stonewalling

Given that the bureaucracy was from the same class and caste as the landlords, their hostility was understandable. However, that did not mitigate the hardships that the 'free' ex-Kamaiya had to go through.

At first, the government decided to provide forest land of up to two katta. Later on, the government was compelled to provide land up to five katta. The government started identification of land and decided to provide 75 cubic feet wood for their housing support, in a programme funded by the ILO. Inter-departmental wrangles ensured that the wood was delayed. This had disastrous consequences for the newly freed Kamaiya. They spent the money before the wood came. The forest department whittled down the 75 cubic feet to 35 cubic feet, and even so only one in ten households[22] got it.

After land restoration, the movement for rehabilitation slowed down. It was, in part, due to the differences between the KMAPS members, since some of them moved towards relief and rehabilitation, cornering resources in the process. In part it was because the ex-Kamaiya were dispersed in several different places in several VDCs. They had to divide the restored land by themselves, and start working on the land.

There was a rumour that only those with identity cards will get land. We went everyday to get the identity card. They said 'yours will be done tomorrow'. Then we went the next day. Again they said 'not today, come tomorrow'. In this way many days have gone by. We didn't know what to do.

Bhuki Ram Chaudhary[23]

At the government land office, someone told us 'OK, you have land now, you own one or two katta of land'. But he did not say these words directly to me. He said this to all of us. So maybe someone among my friends really did own a patch of land. I wonder how he managed to acquire it from the landlord.

Laptan Dagaura[24]

The land was denied deliberately as an act of revenge. Giving them unviable landholdings would mean that they would need to return much weakened to the landlords. Moreover, the landlords could take over these lands in future. The ex-Kamaiya knew that the government measures were unjust.

If the government intends to give us just one or two katta of land and tell us that we should bring up our children with such a tiny patch of land, then our submission is: let them try to manage the upbringing of their own children on that land. If they can, we will gladly accept two katta of land. But if the upbringing of their children is not possible, then how can we bring up our children?

Laptan Dagaura[25]

The Kanchanpur DLFKRCC announced in early 2001 that they had completed land identification and were ready to distribute ten katta per household. The Bardiya DLFKRCC too announced its willingness to distribute ten katta per household. They were awaiting the clearance of the CLFKRCC—which never did arrive.[26]

The Kailali DLFKRCC was negative in their approach, going so far as to give the impression that NGOs and INGOs were exaggerating the nature and extent of the problem and disturbing social harmony. The original plan of the Kailali DLFKRCC was to distribute two katta of land on the river bank per household. It seemed as though the committee was trying to tire the ex-Kamaiya into submission and acceptance of one or two katta in unusable land.[27]

The landlords' response

The landlords quickly organised a strong opposition, catching the Kamaiya liberation movement off guard. They utilised and expanded their considerable alliances immediately. The big landlords took the opportunity to create alliances with small farmers who were more economically vulnerable than they were, but were still politically powerful.

On 9 August 2000, they organised themselves into the Kisan Hakhit Samrakshan Manch[28] to ward off possible threats to their dominance by the Kamaiya liberation movement. The Kisan Hakhit Samrakshan Manch filed a writ in the Supreme Court demanding government compensation of the Sauki given to the Kamaiya. They even met with the prime minister.

Their power was most evident not by what happened, but by what did not happen. Their political clout and economic stranglehold were the key reasons for government inertia. It is only in government bureaucratic circles that inertia is considered an active state.

The campaign continues

Unless and until we organise and start struggle, we cannot be liberated.

Menaka Pokharel, Secretary, All Nepal Women's Association[29]

Even before the victory celebrations were done, and the implications of freedom sunk in, the state struck back. On 31 July 2000 itself the Kailali DDC unanimously decided to reject the government's decision to waive the Sauki, followed on 6 August 2000 by Kailali DDC Chairman Narayan Dutta Mishra issuing a statement disagreeing with the national government's order to write off the Kamaiya's loans from the landlords.

At the time, the ex-Kamaiya and NGOs were struggling with emergency relief and rehabilitation and issues such as submitting applications to include the left-out ex-Kamaiya in the government data, restraining and punishing the landlords those were forcing ex-Kamaiya to pay back Sauki, and ten katta of land to each household. They carried out various activities from sending a memorandum to the prime minister, sit-ins, rallies, dialogues, road blockades, lobbying and finally started the land restoration movement. While the ex-Kamaiya and their supporters were diverted, systemic reform suffered.

The government continued to search for options for rehabilitation. On 23 August 2000, it held a 'Consultative Meeting on Possible Support to Recently Freed Bonded Labour', hosted by the National Planning Commission, Government of Nepal. Secretary Yoddha Shah, MoLRM, requested emergency donor support of rupees 736 million of the rupees 981 million required for rescue action for 8,000 families with no land or shelter.[30]

Pressure was kept up. On 23 August, a memorandum was sent to the prime minister through the CDOs of the five districts—the deputy chair of the DLFKRCC—demanding rehabilitation of the ex-Kamaiya. A week later, on 30 October, about a thousand ex-Kamaiya demonstrated in Gulariya against the continued oppression by the landlords and the government's apathy to rehabilitation.

On 18 September 2000, the CLFKRCC announced plans to implement an emergency food assistance programme and to distribute government land to the ex-Kamaiya. But matters were getting desperate on the ground. On 24 October 2000, dissatisfied with the lack of progress of government rehabilitation, KMAPS and the Kamaiya Liberation Action Committee decided to launch a new campaign.

On 6 November 2000, the ex-Kamaiya at a rally in Dhangadhi demanded ten katta of land, effective implementation of the law and speedy supply of relief material. The DDCs of all the five districts were gheraued[31] on 24 November. About 7,000 Kamaiya from all five districts participated in the rally and sit-in in Dhangadhi to demand ten katta of land per ex-Kamaiya family. Fifteen rallyists were injured during a police baton charge. On 25 and 26 November, there was a workshop on 'Free Kamaiya Movement' for further action at Thakurwara, Bardiya.

By December 2000, matters were coming to head. Given the many gaps in the government lists, the NGOs conducted their own survey. Roadblocks became the preferred mode of protest. On 19 December, the ex-Kamaiya and their supporters blocked the main highway in five districts of south-western Nepal in support of their demand of ten katta of land for each liberated family. A week later, on 26 December, the entire highway from Kohalpur in Banke district to Gadda Chauki in Kanchanpur district was blockaded. On 27 December, there was a rally and sit-in at the DAO and mass meeting in Gulariya.

On 9 January 2001, Kanchanpur district officials decided to provide ten katta of land to all liberated families with more than five members and five katta of land to those with fewer than five family members. It was not nearly enough.

Land restoration

After trying all possible means, the ex-Kamaiya had to restore their lands by themselves. Opinion is still divided on whether this was right or not. A brief look at the circumstances, before going into the actual land restoration will help put matters in perspective.

The opinions

More than 50,000 bigha of land have already been provided to the Sukumbasi. My solution … is to take land from the absent landlords and give to the Kamaiya.

Uddhav Poudyal, ILO[32]

This is probably one of the best solutions possible. However, there are many implementation problems to this proposed solution known to the field organisations.

The chairman of the DDC said that in Banke there are 186 Kamaiya in the government record who do not possess any land or house... there is 1,065 bigha free government land in Banke district.

When the government officials go through that area the Jamindars say, 'no you cannot distribute this land, because it is occupied by me'. And the government official says that this is not your legal ownership, you have to leave this land. But the Jamindar says they should just go away. And they do so and tell their superiors 'we cannot get that land because the landlord will beat us'. And then the government does not do anything about it.

The law says that no one can occupy the government's land. If anyone does that, he has to pay 20 times the government tax. But that law only hits the Kamaiya and the poor people. Jamindars are overruling the law. They say 'member of parliament, that is my brother'. [33]

The experience of the ex-Kamaiya is far from the expectations of romantics.

One camp was in Kala Phanta, next to Mahendra Highway in the forest. But the police removed them. The one that is there now was in the Cotton Development Project land before. They were also removed. The last camp is in land bought by the land reforms office for redistribution to the Kamaiya.

Bal Krishna Chaudhary, RRN [34]

Hapless government officials concur:

To extract the land from those people who are holding it and provide the Kamaiya with it is a very difficult job. Our office has very few staff. We take some people from the survey office and we go to the villages. But we are helpless, a little group of people who go to the villages. And some of them threaten us and say 'we will break your legs with a stick'.

Netra Bahadur Rawal[35]

How much land?

Land is one of the primary requirements for human beings and societies. Governments establish their strength by asserting their sovereignty over the maximum possible land and its resources.

At the initial stages, most ex-Kamaiya were given just one or two katta of land. But this, as the government itself knew in 1999, was woefully insufficient.

Two katta of land is not sufficient for even two months of survival.[36]

The report[37] of the ministry has other interesting statistics on the land holding.

District	Average land holding of landlord [Bigha]	Percent of Kamaiya with land	Percent of landless Kamaiya
Dang	22.46	0.4	32.76
Banke	55.04	0	51.98
Bardiya	118.47	0.11	71.35
Kailali	85.03	0	85.84
Kanchanpur	75.57	0	81.12
Overall	85.36	0.4	71.99

Even according to government figures, the *average* land holding of the landlords in all districts but Dang was far above the legal maximum holding of 25 bigha. The Kamaiya, on the other hand, were undoubtedly destitute—with almost three out of four families not even having land. Only 552 Kamaiya families had more than two katta of land.

Even the land for their own use when they were Kamaiya—the bali bigha—was ten katta. And that was demonstrably insufficient for their sustenance, drawing them deeper into debt. Giving less than viable landholdings is actually a delayed distribution to the landlords, since this land will have to be sold for the very survival of the ex-Kamaiya. Legal 'lock-in periods', during which the ex-Kamaiya are forbidden to sell their land, will not help. The government had already distributed land to some Kamaiya in 1964,[38] which was sold by them for survival, and most of it grabbed by the landlords.

For rehabilitation too, land is primary. Without having sufficient land, even those who want to help cannot build schools for them, or dig water sources. The community cannot start agriculture, nor keep livestock, without secure tenure. Investment in health and sanitation is not made. Naturally, there is fierce competition for land, more so in an agrarian economy.

The immediate demand was that the ex-Kamaiya be given the land—or at least half[39]—that they were tilling. Ex-Kamaiya, KMAPS and supporting organisations demanded ten katta per household.[40] They calculated that ten katta of land could feed a family of five or six for about eight months.[41] This meant that the ex-Kamaiya would need supplementary income for a third of the year even if they were given ten katta of land. With five katta or less the supplementary income would need to be much bigger. They overlooked the fact that, given the shortage of jobs, the first would be difficult, and the second impossible.

Even SSSA distributed more land to Sukumbasi households than what the same government distributed for the ex-Kamaiya.[42]

Confusion

Land identification and allocation was done in the district headquarters on the basis of outdated, inaccurate maps that did not conform to field reality.

When the crisis of liberation abated, government started to provide land ownership certificate [LOC] from seven dhur to five katta per family. A critical question for the ex-Kamaiya and to the activists involved was whether they should take the allotted land or stick to the demand of 'ten katta or nothing'.

The conflict of opinion and mobilisation of the ex-Kamaiya into different positions created an uneasy situation. Opinion, and therefore action, was divided into three. Some activists and NGOs directed the ex-Kamaiya to take any land provided. The second opinion was that they should not take any land unless the government provided the full ten katta of land. The third was to take whatever was provided, and then to demand more land. Many ex-Kamaiya did not take the

LOC for a long time. In many places, they forced back the government officials from surveying or demarcating the land.

Some ex-Kamaiya in Kailali broke ranks and took whatever land the government offered. The psychological pressure forced others to reconsider, and they too gradually started taking the land provided. In a few places after taking the LOC, when they went to settle there, they came into conflict with the Sukumbasi and local community forest users' groups. The government had allotted community forest land and the land where the Sukumbasi had been living for a long time.

There was confusion regarding the exact location and ownership of the land on the one hand and the quality of the land on the other. The movement for rehabilitation was losing momentum. As a result, the ex-Kamaiya were being allotted uncultivable land, or land that was arable only during some parts of the year, or was inaccessible.

Land identified by the government for rehabilitation was forcibly occupied by the landlords. Disputes at all party meetings stalled land distribution. Squatters prevented a land measurement team from carrying out a survey in occupied land in Manau and Golah VDCs, and many parts of Kailali and Bardiya districts.

The minute difference

The lack of political will and stonewalling could be seen in the obstructionist attitudes, sheer stubborn unwillingness and tendency to grasp at even minute differences to delay rehabilitation. There were many complaints that classification was faulty. To assess the extent of the difference accurately, the NGOs surveyed every ex-Kamaiya household in an intensive process that the government lacked.[43] Comparative statistics reveal the minute difference between the two sets of data.[44]

Red card holders	Kanchanpur	Kailali	Bardiya	Banke	Dang	Total
Government estimates	2,462	2,483	3,155	875	158	9,133
Requirement of land in bigha	1,231	1,242	1,578	438	79	4,567
NGO estimates	2,808	2,853	4,203	587	668	11,119
Requirement of land in bigha	1,404	1,4,27	2,102	294	334	5,559

Source: NGO Network KMAPS, Kailali.[45]

Kamaiya Identification: NGO and Government Information

Category	Kanchanpur		Kailali		Bardiya		Banke		Dang		Total	
	Govt.	NGO	Govt.	NGO	Govt.	NGO	Govt.	NGO	Govt.	NGO	Govt.	NGO
A	2,462	2,808	2,483	2,853	3,155	4,203	875	587	158	668	9,133	11,119
B	495		2,477		1,119	1,772	100					
C	33		199		1,050	1,098	39					
D	55		199		1,655	1,683	328					
Total	3,045	3,302	5,358	6,157	6,979	8,756	1,342	1,432	1,285	3,030	18,009	18,971

There was a difference of only 962 households [5.3 percent] in the total number. The difference was high [2,086 households, 21.7 percent] in the case of landless category—meaning a clear case of faulty categorisation. About 2,000 households identified as 'B', 'C' or 'D' by the government were classified as 'A' by the NGOs. Both the government and the NGOs claimed accuracy for their data and stuck to their positions without compromise which affected the rehabilitation of the ex-Kamaiya.

What was the total land requirement? Given the passion surrounding the question of land, claims and counter claims, a look at the hard figures is illuminating.

Even with the NGO's figure of 11,119 households, the total requirement of land to settle all the identified houseless and landless ex-Kamaiya with ten katta of land per family was just 5,560 bigha. The Cotton Development Board [CDB] had 5,000 bigha of land that had never been used for cotton production. One of the ideas presented by an NGO working in Bardiya was that the DLFKRCC should request CLFKRCC to authorize the resettlement in CDB area, since less than half of CDB's land would be enough to resettle all the ex-Kamaiya of Bardiya district with ten katta of land per household.[46] In a case of sheer cussedness, it was not to be so.

From confusion to chaos

We cannot prepare for all eventualities. Relief is the government's duty. It needs a lot of resources, which NGOs simply don't have.

Regional Programme Manager Narbikram Thapa, AAN[47]

Rehabilitation is the government's job. As NGOs, we only provide relief support and show the human rights violations to the government.

Ram Das Chaudhary, BASE[48]

The revolt of the freed slaves against their supporters is as old as recorded history. At the first sign of trouble and discomfort, Egyptian slaves complained bitterly against Moses. The ex-Kamaiya were no different. The condition in the camps became intolerable. Children died. They turned against the CSOs whom they accused of having 'pushed us into this'.[49]

The government itself had no clue as to the appropriate mechanism. For instance in Bhimapur VDC of Bardiya district, the government at first formed a committee of all the political parties and the VDC to identify excess land to rehabilitate the ex-Kamaiya. Then they formed another committee on 19 February 2001[50] and turned the system on its head. The older committee was stripped of its powers. Instead, it could only help the new committee, which alone had the authority to distribute the land.[51]

Land restoration begins

The government is not going to distribute land. So we will distribute the land. We are also Nepalese people. We are the citizens of Nepal. So we started to distribute land.

After their freedom they were capturing land. If they did not get freedom when would they have captured the land?

Dilli Chaudhary[52]

There were numerous delays in giving the land to the Kamaiya. The land when given was not sufficient. It was not in good or easily accessible areas. To top it all, even this land was not given to the ex-Kamaiya. Fed up with the continued stonewalling of the bureaucracy and other entrenched vested interests within the government, the ex-Kamaiya began to hit back. There was violence even against the NGOs.[53]

The NGOs get money from outside to help the ex-Kamaiya, but they don't give [any] to us. The NGOs and the government only speak, but they don't do anything.

Raj Dev Chaudhary[54]

Increasingly frustrated at being the objects of studies and surveys of CSOs, they blamed the government and the NGOs of being indifferent to their condition.

Finally, they issued an ultimatum to the government—either the government would allot land to them, or they would restore land to themselves from 17 January 2001, six months to the day after the proclamation.

On the announced date, the ex-Kamaiya moved into forest land. Over 3,000 families occupied land in different places. On 18 January, thousands ex-Kamaiya occupied a large field in the cotton farm in Chaudharipur/Gauripara. Thousands of bigha of land was restored. These lands had the additional advantage of being physically accessible, and not in conflict with the Sukumbasi or other users. It was better selected than government identified land.

However, most of the land was in forest areas, which the forest department claimed. Given the momentum, the forest department could not prevent land restoration though they did try their best to prevent the ex-Kamaiya from occupying what was the traditional Tharu land.

Two weeks later, on 29 January, some ex-Kamaiya left the forest on the assurance of the DDC, Kailali that they would be temporarily settled along the East-West Highway. For those who did not leave, the reaction was as swift as it was brutal. On 3 February, 300 riot police evicted 7,000 ex-Kamaiya from their self-restored land, and then burnt the huts. Protests continued, and on 22 March, the DLRO and LRC were gheraued by about 250 ex-Kamaiya and KMAPS members in Ghorahi, Dang. On 5 April, ex-Kamaiya from different sections of Jainpur temporary camp occupied the land of Laungahawa Phanta, Sailahi Phanta, Banahawa Phanta in Baniyabhar VDC, Bangai Phanta in Dhadhawar VDC and Gujarana Phanta in Gulariya Municipality-2.

The net result was that the government hastened to provide at least some land to each family.

Taking charge

We stood on other's legs. They dropped us in the middle of the road.

Leaders, FKS[55]

The big settlements and camp in Kumbar and in the Campus area were initiated by the Kamaiya themselves.

Prakash Kaffle[56]

The relief was so chaotic that the ex-Kamaiya had to take things into their hands. They made their own camp management committees and coordinated relief efforts of the government and the non-government agencies. They formed movement committees in each district to press for their right to land and long-term rehabilitation.[57] In many camps the committee installed hand pumps for drinking water from their own resources.

The non-Kamaiya were taking advantage of the confusion. On 9 August 2000, the Kailali Land Reforms Officer Maheshwor Niraula estimated that 20 to 40 percent of the Kamaiya registration forms may have been filed by non-Kamaiya. Though the non-Kamaiya did try to take advantage of the disarray in government records and tried to move under the cover of confusion to claim some benefits, they were quickly caught out by the KSS. When the non-Kamaiya tried to pass themselves off as ex-Kamaiya and came to the camps, the

KSS quickly identified these impostors and sent them back home. The ex-Kamaiya soon took up the task of identifying and monitoring who the real ex-Kamaiya were.[58] This was an additional burden on a community already burdened with finding relief.

KMAPS: Conflict and fall

By mid-2001, the NGO-led KMAPS had serious differences. The supporting NGOs became divided. There was disagreement as to their role. Some opined that it was the time for NGOs to help the government in rehabilitation.[59] Others felt that the primary task of rehabilitation vested with the government, since the primary objective—sufficient land for the ex-Kamaiya—could be ensured only by the government.

KMAPS did pioneering service from after liberation till about August 2001. By then it had gradually become inactive. The 3 October 2001 *Report of the Financial Review of Kamaiya Mukti Andolan Parichalan Samiti*[60] was the final straw. The financial review was commissioned by Save the Children US in the background of allegations of corruption and mismanagement. The review of KMAPS accounts found that KMAPS, and other local NGOs had received rupees 13.4 million for the rehabilitation of the ex-Kamaiya. The review found that 'disbursements not adequately supported, unreasonable' amounted to rupees 0.3 million in aggregate.[61]

KMAPS members felt that the report, though highly technical, did not address or answer the questions raised by them, the main committee or district committees. They wanted a total reform of KMAPS. It included transferring the KMAPS secretariat from the BASE office, multiple signatories for financial transactions and a code of conduct for the movement and expenses. They even wanted another audit since they did not trust the audit done. After the financial report was submitted, KMAPS became virtually defunct.

FKS is born

The rehabilitation could not wait for the CSOs to sort out matters among themselves. The ex-Kamaiya took the initiative and formed the 'Freed Kamaiya Society' [FKS] on 22 January 2002. It was formed as an independent ex-Kamaiya body, uniting various organisations that existed among ex-Kamaiya such as 'Freed Kamaiya Progressive Society', 'Kamaiya Struggle Committee' and 'Kamaiya Jagaran Samiti'.[62]

During the state of emergency, FKS initiated the rehabilitation campaign, organised ex-Kamaiya of various settlements, managed the conflict with and local people in the field, and helped ex-Kamaiya to tackle their issues with government line agencies and concerned bodies.

In contrast to their days of bondage, the ex-Kamaiya slowly moved into decision making. About a third [34.1 percent] was doing so in government activities, and 37 percent in NGO activities.[63] This would build a pool of leaders, a culture of leadership, and was encouraging.

FKS increasingly took the lead in ex-Kamaiya affairs. It is slowly emerging as an organisation, giving voice to the ex-Kamaiya. However, it has to travel a distance before it becomes an institution with agency. The initial accomplishments are impressive—more so since it demonstrates leadership of those who were virtually slaves just four years ago.

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HAPTER 6

Rehabilitation

The freedom movement was a success. The government rehabilitation process has been a failure.

Yagya Raj Chaudhary, BASE[1]

This statement of Yagya accurately sums up the core of the issue. The NGOs had programmes and money for campaigns. They could raise additional money for campaigns, because they were used to it. However, when the time came for rehabilitation, they did not know how to formulate proposals or raise money. They were powerless till the project money was sanctioned. The government thought that they could ensure freedom by proclamation—as if poverty, let alone its structural causes, can be eradicated by a piece of paper or canutian decree. International supporters thought their role was over once the decree was proclaimed. All underestimated the Herculean tasks subsequent to 'liberation'.

Four years later, rehabilitation is still an issue of continuing importance. In this chapter, therefore, we will take a closer look at the different facets of life after liberation: the roles of the government and non-government agencies; its effects on the people—the landlords, the children, women and youth; the key programmes; the progress—or lack of it—over time; and finally the pending issues.

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Four years later, rehabilitation is still an issue of continuing importance. In this chapter, therefore, we will take a closer look at the different facets of life after liberation: the roles of the government and non-government agencies; its effects on the people—the landlords, the children, women and youth; the key programmes; the progress—or lack of it—over time; and finally the pending issues.

The categories

Yesterday, we went to the government land office to register ourselves as Kamaiya. Those who are registered are those who will get land if the government decides to give us any. The government refused to give me my registration paper. They said that the landlord gave us land. We have no paper for this land, yet they told us we have land and refused to register us.

Maya Ram Chaudhary[2]

The rehabilitation process depended a lot on the category under which the ex-Kamaiya fell. Thus, a red card became a passport to a better deal. The status—fate—of the ex-Kamaiya was directly related to their classification. Those classified 'A' were given up to five katta of land. Since those classified 'A' were given land, they were rehabilitated together. This reduced the cost of reaching them for the rehabilitation agencies, and so they got the most attention.

Those who were classified under the other heads lost out. Those classified 'B' got titles to whatever land they had. The government did not 'top up' the land to five katta—sufficient land even to meet their requirements for a fraction of a year. Those classified 'B' were scattered, since the land that they had were also scattered. The result is that they formed the majority of those returning to their former lords for survival and livelihood. Those classified 'C' and 'D' were ignored. They were literally left destitute. Many of them were forced to migrate to India. There were reports that they became bonded labour in India, and were given opium to work.[3]

In the settlement areas of category 'A' and some areas of category 'B', there was a critical mass for community monitoring. Vigilance committees were set up and the community could become an organic entity once more. In the areas of 'C' and 'D' categories, this is not possible and the 'community' virtually disappeared.

In some municipalities, land was given based on market value and not productivity. There the ex-Kamaiya got even less than one katta of land.[4] In such cases, the ex-Kamaiya resorted to other forms of manual labour such as pulling rickshaws and construction work. While the government did try to have skill development and training for the ex-Kamaiya, the ex-Kamaiya were not confident of taking the next step. They were frightened of taking loans even at the rate of five percent. Considerable time had to be invested in convincing them.[5]

The government was zealous in reducing the land held by the ex-Kamaiya in excess of five katta to five katta. It did not deem it necessary to ensure that the ex-Kamaiya had sufficient wherewithal to lead a life with dignity, and sufficient land to support them through the year. Of course, confiscating the land of the landlords over the legal maximum of 25 bigha was unthinkable. This is despite the government itself having documented that the landlords had an *average* of 85.36 bigha, with a high of 118.47 bigha in Bardiya with the names of each landlord.[6]

The agencies

Government

The key player in rehabilitation was the Government of Nepal and its line agencies located in the respective districts. The government provided land and coordinated donors, supporting agencies and NGOs.

Local government bodies, such as DDCs and VDCs played a very important and effective role. They were the ground level coordinators of the virtual cacophony of actors: government and government line agencies, local NGOs, CBOs, political parties, landlords, Sukumbasi and local people. DDCs had a toilet and drinking water programme in collaboration with International Fund for Agricultural Development [IFAD] and Western Terai Poverty Alleviation Project, WTPAP.

The government provided land and skill training. A large number of ex-Kamaiya underwent the skill development training conducted by government line agencies such as DLRO of five districts in collaboration with ILO. The government started a literacy and education programme for ex-Kamaiya children through District Education Offices.

The government worked in collaboration with others in service delivery and relief. The housing programme was in collaboration with IFAD. The government provided wood to red card holders, seed money for saving and credit programmes, through various groups, irrigation and drinking water.[7]

The government had 304 existing groups covering 4,840 households organised by their programmes since 1995.[8] By 1998 there were 400 groups. They had a revolving fund of rupees 1.24 million[9] from ILO–IPEC. In the confusion, these groups were forgotten. Nobody worked with them—neither the government nor the CSOs.[10] Existing bodies were bypassed. The government preferred to do things at their pace—the pace of the recalcitrant bureaucracy. The bill would have been ready by December, all Kamaiya would have been covered by the savings programme by that time, ... What the government forgot was that revolutions and justice seldom wait for governments to get ready.

A key limitation of the government was that it was, and is, supported by the social structure, and therefore it in turn supports the iniquitous social structure. Remaining prisoner to this constituency, it enforced the letter of the law. This iniquitous law enforcement kept it from securing justice for its citizens. Let alone justice, it could not even secure their welfare. In a typical case, the ex-Kamaiya were removed from an 'illegal' camp in the forests and their houses destroyed. They were not provided any alternative or rehabilitation, so they were forced to live under plastic covers, without walls or any other protection on land that is flooded and scarce.[11]

Given the geo-political reality of Nepal, the ability of the oppressed in the western region to influence it was limited. Moreover, the unstable government was more interested in its own survival, and had little time to know the problem in depth.

Non-government agencies

Multilateral and bilateral agencies, CSOs and CBOs played an important role in rehabilitation. INGOs such as AAN, ADRA Nepal, CARE Nepal, DANIDA, GTZ, HKI, Lutheran World Federation, MS

Nepal, OXFAM, Plan International, SEEAP Nepal and SC–US, multilateral agencies such as UNICEF, ILO, DFID, and WFP, NGOs and trade unions supported the liberation movement financially and materially right from the pre-liberation phase through the campaign and in rehabilitation.

The bulk of the actual grassroots rehabilitation work was done by frontline workers of NGOs and trade unions from AFA, BASE, BCD, CIVICT, CCS, DECONT, DOCFA, FAYA, GGJS, GRINSO, HRJM, HREPC, HURASDC, JAS, KUPS, Manav Adhikar Samiti, NEWAH, NNSWA, NYOF, NNDSWO/TECOFAT, RKJS, RRN, SAFE, SPACE and TWUC, ALA, INSEC, GEFONT, KMM, Mukti Parishad, Sukumbasi Utthan Samaj and FAWN.

Responses of CSOs after liberation[12]

Name of organisation	Districts covered	Title of programme	Types of programme
HUGOU/DANIDA/BASE	Five districts	Kamaiya and advocacy programme	Advocacy, awareness, education, skill development, rehabilitation
AAN/NNSWA/ CCS/BASE	Five districts	Emergency relief for former Kamaiya and advocacy	Advocacy, coordination of relief, building
FKS SC–US/BASE	Kailali and Kanchanpur	Capacity building for integrated community development	Advocacy, education, health, economic opportunity
SC–US/NNSWA	Kanchanpur	Uplift the living standard of the disadvantaged women and children	Advocacy, education, health, economic opportunity
CARE–NEPAL/BASE	Five districts	Emergency relief for former Kamaiya	Child survival, protection and advocacy

Some CSOs had low cost housing programmes in different places of Kanchanpur, Kailali and Banke districts. AAN with local partners NNSWA and CCS finished a hundred houses in Shovatal of Kanchanpur and 56 houses in Hasuliya of Kailali. AAN had an Integrated Conservation and Development Project [ICDP] in

Kanchanpur and a physical service programme that covered the five districts. There were campaigns for rehabilitation, health and sanitation, child and women rights, and access to forests and community forests. There was considerable work in policy influencing, media advocacy and capacity building.

ILO had an education programme from 2003 in all settlements of five districts through local partner NGOs. Similarly, World Food Programme [WFP] in collaboration with GTZ and DDC ran the Freed Kamaiya Food Security Project [FKFSP], integrating the self-help programme in all settlements of five districts. SC–US had child relief, student support and housing support in Kailali district. LWF had house and school construction, training and an agriculture programme in Kailali. MS Nepal had an advocacy programme. HKI had 'homestead food production for improving micronutrient status of women and children, poverty reduction and promotion of gender equality' in Kanchanpur covering a thousand households. NEWAH had a drinking water and sanitation programme in some selected settlements. Plan International and CARE Nepal had no Kamaiya focussed programme, but they included ex-Kamaiya as beneficiaries of their programmes.

However, the intervention of the CSOs was not uniform. Each group had 'its' ex-Kamaiya, and worked with them, with little information about what was happening elsewhere. This led to charges of discrimination and favouritism.

An inter-agency forum was formed. It mapped the programmes to ensure non-duplication and common advocacy. When the administration charged them with corruption, they were able to prove that it was not so. The British Broadcasting Corporation [BBC], which broadcast the allegation, tendered a written apology.

The CSO contribution was hampered due to the project mindset. They often came to the field with preset programmes and budgets, which had to be implemented and the budgets had to be spent no matter what the field situation was. This led to inappropriate programmes with unfortunate consequences. Perhaps the most tragic illustration was the houses and toilets that were built without taking into account traditional practices. They are simply a recipe for continued dependency in the foreseeable future.

The key programmes

For their livelihood, the ex-Kamaiya took part in the FKFSP, did agriculture work in villages and various other kinds of work. Under this programme, self-help groups were formed, and there were Food for Work Programmes [FWP] and skill development activities. Agriculture tools and seeds were also distributed. While they certainly did enable the ex-Kamaiya to keep body and soul together, their long-term effects were deleterious.

The ex-Kamaiya were unenthusiastic about the programme since they were given only four to five kilograms of rice for digging a road ten feet long, ten feet wide and one foot deep. Translated into daily labour and monetised, it worked out to them getting between rupees 50 to 65 at the rate of rupees 13 per kilogram of rice. If they worked outside, they would get rupees 80 to 150 per day. So the ex-Kamaiya felt that they were being exploited by the programme.[13]

Food for work

The FWP was instrumental in providing much needed relief in the crucial time between liberation and consolidating. Ex-Kamaiya were involved in the construction of the Dhudhejhari-Tikapur road under FWP of the World Food Organisation. FWP was to provide each ex-Kamaiya family with 370 kilograms of rice per annum.[14]

The FWP has been plagued with good intentions running smack into geo-politics. It was certainly a lifeline for the ex-Kamaiya at a time. There were three partners in the FWP: the World Food Programme provided rice; Ministry of Local Development provided construction materials and implementation parts; and GTZ provided technical assistance and social mobilisation.[15] Many ex-Kamaiya in camps got only three kilograms of coarse rice for a day's work—much below the minimum wage of rupees 60 per day.[16]

As the Government of the USA[17] reminded the WFP staff, the US is WFP's largest donor, and the US and other members of WFP's

Executive Board are the only outside entities authorized to approve or change WFP's work plan for Nepal, the role of US charities in furthering US interests—often closely allied with repressive regimes across the globe—has not gone unnoticed in Nepal. The use of charity as a vehicle to continue repression has not been uncommon in Nepal either. It comes as no surprise that these ostensible do-gooders were sometimes targeted by the CPN [M]. In the face of mounting attacks, GTZ terminated FKFSP in Dhangadhi from 12 May 2004, affecting about 30,000 ex-Kamaiya.[18]

Housing

When organisations give money, we have to speak their language.

Treasurer Shukdaya Chaudhary, Central Committee, FKS[19]

One of the fallouts of the project mindsets, the urge to help without understanding the ex-Kamaiya, and the control over resources by outsiders is the dismal record in housing. The government of course did not provide even the reduced 35 cubic feet of timber from the promised 70 cubic feet. Housing support was tardy in coming. Even three years down the line, almost 90 percent [89.4 percent] did not get the wood[20] promised by the government.

What is exasperating however, is the rigidity and cultural insensitivity of even NGO programmes. The technical design and support for the housing was provided by GTZ through the FKFSP.[21] It was a two-room design with bricks and roof. Once they constructed the house according to the design, the project would give the ex-Kamaiya an additional 250 kilograms of rice. Of course, in their vulnerable state they all did.

The cultural practices of Tharu housing were different. In the first place, they did not have a culture of permanent houses. While permanent houses can be justified on the basis of nomadic life-styles no longer being feasible, building houses according to cultural practices could certainly be followed. Tharu houses must face either the north or the south. They need at least three rooms. This is both for religio-cultural needs, and for sheer practicality: they have large families. In the present design, suitable only for four-member families, some have to sleep in the kitchen. The average family size was six.[22] Fully 65 percent built house roofs with tin,[23] are incompatible with the climatic conditions of the area.

Though the ex-Kamaiya keep the house and its surroundings clean because of the cleanliness inherent in Tharu culture, they are not very happy. The upshot of it all is that they were willing to construct a house according to their culture within the support and resources provided by the project.[24] A clear case of money talking.

The people

Landlords

The landlords retained most of their land, and still did not till it themselves. They cultivated land through Kotharis, people kept to look after the land and production. Some let the ex-Kamaiya work on the land as sharecroppers, getting half the production. However, these changed terms had adverse impact on the women and children.

Before liberation, the landlords used to take loans to buy Kamaiya. Post liberation, they took loans to buy tractors.

Women

The most vulnerable suffer most in any situation, more so in emergencies. The struggle to abolish the Kamaiya system was no different. The women participated in great numbers in the movement at the village level. It was progressively less at the district level and least at the national level. They formed just 20 percent of those in the sit-in at Singha Durbar. About 90 percent of the women who went to Kathmandu were doing so for the first time. They do not speak Nepali either. The decreased visibility was to have implications both during and after the movement.

The land was given in the name of the husband. Only when the adult male was not present did the land come to the woman. This gender discrimination is intrinsic to the legal system of Nepal, though there are signs that it could change. The denial of citizenship rights continued in other spheres. 22.7 percent of the ex-Kamaiya did not have citizenship certificate—women forming over 75 percent of them. Over half [57.4 percent] were not able to afford citizenship, and 3.8 percent had nobody to recommend them to get citizenship.[25]

In the new scenario, the women and children almost became hostages. It was no longer that loans were taken, nor were the men kept in the landlords' houses. Instead, it became the women and children. The children work in hotels or houses, their wages collected in advance, leaving them vulnerable to abuse. Over 50 percent of the children of ex-Kamaiya faced this situation.

The Bukrahi became the Jirayat and Begari.[26] They got 50 percent of the production, but the entire family had to work for the landlord—just as in the Kamaiya system. Women and children form 95 percent of those who work throughout the year. Competition and survival needs force them to queue up for these jobs.

Children

Above 80 percent of the children were estimated[27] to be malnourished in the settlement areas in the first year. Some even reached third degree malnutrition. In the first year, most of the children went neither to a school nor to a play group, spending time instead with their parents and peers in the camps and settlements. With the support of UNICEF and SC–US, some Early Childhood Development [ECD] centres and child clubs were run, with food supplementation to children in these classes. Similarly, with ILO's assistance, the DDCs implemented some classes. However, the classes were far below the total need.[28]

Although many children of ex-Kamaiya worked as domestic servants, in hotels, restaurants and transportations, the number of school going ex-Kamaiya children significantly increased. In a survey, 14 percent of the child labourers in three wards in Kathmandu were from the five Kamaiya districts. Of them, 19 percent were Tharus, most of those were ex-Kamaiya.[29]

Most of the children in a majority of the settlements faced difficulties in education due to shortage of classrooms, furniture and teachers in the already established public schools. In many cases, there were between 110 to 160 children in a classroom, with no furniture, and only a single teacher. The children of many settlements are deprived of education simply because there were no schools nearby.

In this struggle for survival, the ex-Kamaiya are forced to make cruel choices—choices for which they fall back on the known. In societies based on patriarchal values, these are to the detriment of the girls and women. When the choices are made, it is *launda ke school, laundi ke argani*—meaning send a son to school and a daughter to work.

7.6 percent of girl children worked in the landlord's house before freedom and 8 percent worked after freedom. In contrast, there was a marginal reduction in the number of boys working with the landlord [6.8 percent to 5.3 percent]. This signifies the continued existence of the system. Fully 73 percent of the households mention that they continue to work with the ex-lords due to poverty ['hand-to-mouth problem'].[30]

For the estimated 3,500 ex-Kamaiya children, education is still a luxury, too expensive and inaccessible. Few schools were established in the liberated villages or settlements. The department of education wanted the DLRO to settle the ex-Kamaiya first before providing education. The DLRO claimed that the Education Department did not come up with a plan for educating the ex-Kamaiya children. This bureaucratic musical chairs cost a generation heavily. Though the government ostensibly aims to guarantee 'Education for All' the bureaucracy is able to deny education to the children who live in illegal camps with impunity.

The government launched two three-year programmes specifically for the ex-Kamaiya children. The Outreach School Programme is for the six to eight age group and the Flexible School Programme is for the eight to twelve age group. Where schools exist, the dropout rate is high—often above 50 percent, and in some cases 85 percent. Settlements in the forests, allotted by the government, had no schools at all.

There is some scope for optimism due to the determination of the ex-Kamaiya. Double the number of children attended school compared to the pre-liberation days. For girls, school attendance was 16.1 percent before freedom and 36.2 percent after freedom, and for boys it was 29.5 percent and 48.2 percent respectively.

In the case of non-formal education [NFE] it was even better. Before freedom one girl in 40 [five percent] attended NFE classes and one in five [19.2 percent] after liberation. For boys it was one in 55 [1.8 percent] and one in six [15.2 percent] respectively.

Youth

The youth were perhaps the most vulnerable in the post liberation phase. They had no purpose or direction in life, and frustration was commonplace. They travelled long distances to find work, any work, just to feel useful.

The situation of the youth was particularly ironic. During the days of the liberation struggle, the parents could not come out for demonstrations. So it was the children who gave up their childhood for the cause. After 'liberation', there was a stiff penalty for employing the adults as Kamaiya. So, in the desperate struggle for survival—and the landlords' search for cheap labour—it was again the children who had to give up their childhood for the sustenance of their families by working as child labour. It was less of a risk for the employer too, since the penalties for employing child labour are not nearly so stringent as that for employing a Kamaiya.

It is a particularly cruel twist of fate that those who gave their all for liberation were the ones who paid a high cost to retain it. They were and, in a sense, still are the 'sacrificial generation'.

The timeline

The first year

At the time of liberation, the government gave an assurance that the liberated Kamaiya would be rehabilitated by mid-January 2001 at the latest.[31] The government also promised to provide rupees 10,000 and 75 cubic feet of timber per family so that the Kamaiya could be rehabilitated and they could build their own house. Few received the money or the timber. Those who did get the money got at most rupees 8,000.

Life in the camp was less than hospitable, and it was certainly not a life with dignity. Most of the families got one or two katta of land—barely sufficient to grow one or two months of food. In Bhimapur VDC of Bardiya district, land was distributed only in ward No. 5 where 27 ex-Kamaiya families received 1.5 katta each.[32] Being far away from the towns, they could hardly get any other employment. Even those close to towns barely got jobs, given the high general unemployment rate.

This led to the 'freed' Kamaiya going back to work with the landlords. In many cases they needed to take 'advance wages' for immediate needs, effectively bonding themselves again.

Resettlement was haphazard at best, and frequently chaotic. The Kamaiya were so dispersed in Kanchanpur and Kailali that even relief was difficult. The government and relief agencies preferred to work in the areas where the ex-Kamaiya were concentrated. So the isolated ex-Kamaiya were bypassed even in relief and rehabilitation.

Funds meant for Kamaiya were diverted for relief of the 3,000 expelled Kamaiya. This left the Kamaiya still with the landlords untouched.[33]

One year after[34]

They left the house after Maghi so they received their Bigha and they are still surviving without any assistance on that. They can do that until April or early May, I think. No one has supported these Kamaiya with food until now.

Prakash Kaffle[35]

One year on, the euphoria had gone, and frustration set in. After Dashain,[36] no food was given to the ex-Kamaiya in the settled areas.[37] Some families of six to ten people had only one sheet of blue plastic as their shelter, not enough clothes to keep them warm, not enough food to fill their belly, not enough medicine to cure even the simplest sickness and not enough potable water to drink. That was the world of the ex-Kamaiya in western Terai a year after their emancipation. The only difference for the Kamaiya who did not come out of landlords' houses and employment was that they no longer owed any debt.[38]

During this crucial period, they kept body and soul together by resorting to the following strategies:

- *Daily wage labour* in the villages and nearby cities in agriculture and in off farm work such as carpentry, rickshaw driving, and house construction.
- *Sharecropping*, either as Adhiya, Bantma, Jirayat and Begari—which are punishable under the Kamaiya Labour (Prohibition) Act, but openly practised.[39] They get half the produce of the land, but the entire family has to work only on that particular patch of land. This was sometimes with the same ex-lord.
- *Loans* from their relatives when possible. As a last resort, the ex-Kamaiya did restart taking loans from landlords even after liberation. This time the landlords were more cautious, and moved with the times. Landlords took the title deeds of the ex-Kamaiya as 'security' and do not return them even when the loan was repaid.
- *Migration* to India for seasonal employment.

Apart from bearing the indignity of government indifference, they had to bear the ignominy of government hostility.

Agricultural Labour Association [ALA] convened DDC level meetings. Because of ALA, the Kamaiya set up camp in the CDB land making huts of leaves and straw. The local police burned down their huts because they stayed on CDB land.[40]

On 3 February 2001, three hundred riot police swooped to evict 7,000 ex-Kamaiya from the huts they had erected on self-restored land, and then burnt the huts. In just one of many instances, in August 2001 the District Forest Office of Kailali destroyed the small huts made by the ex-Kamaiya in Baskota area. Forest guards and riot police destroyed whatever crops they had.[41] Some huts were burned in Namital.[42]

The forest guards chased us away and came looking for the leader. By my looks, dress—I was wearing a T-shirt—and attitude, they said that I am not an ex-Kamaiya. But because I was so aggressive they let us be saying 'this is a crazy woman. She will kill us. Let's go'. Here we built 16 houses. More came later. The police came again, but we told them we are Nepali and that we had not destroyed anything. The police started calling me 'commander woman'. I could get those who were arrested released.

Once the forest guards attacked us and threw down even the food that we had cooked. We got organised and then confronted them. We got compensation and an apology.

Treasurer Shukdaya Chaudhary, Central Committee, FKS[43]

The Kamaiya had to build coping mechanisms—diverting scarce resources—for the purpose.

Some projects have been approved and the Kamaiya are working on that project. But not all the Kamaiya, because a lot prefer to sit in their homes because they are in forest land and they are afraid that the forest officials will demolish them.[44]

This coping mechanism due to fear of losing their land was interpreted differently by the government.

If you see closely they have not all taken real refuge, just one person from the household occupies a shelter there just to get their name registered. They are not real Kamaiya. If the real Kamaiya would come, then there would be the husband, wife, children and all their belongings. I don't see that there. There is one bed and a little utensil for cooking, just to occupy and let other people know.[45]

The Kamaiya were fast losing patience. It appeared that the already explosive situation could deteriorate into radical politics at any time. When asked, '*What would you do if the government uses force to chase you out from the land you capture?*' the response was that they are prepared to die. '*It is better to die from a bullet than from hunger*', they said. CPN [M] tried to convince the ex-Kamaiya that if they did have to die of hunger under the open sky, it was better to die carrying guns for the 'People's War'.[46]

Many of the ex-Kamaiya still lived in tents or small huts made of grass. Most red card holders got a government grant of rupees 8,000 for housing. Many spent that money for daily needs. Some of them returned to their ex-lords' house where they got work on daily wage labour for their immediate needs. Some got LOCs, but did not know where their land was.

The government formed the CLFKRCC headed by the deputy prime minister to determine all policy requirements for ex-Kamaiya rehabilitation. DLFKRCCs were formed and chaired by the DDC, to identify ex-Kamaiya, identify land where they could be settled and other necessary action.[47] The secretary, MoLRM, was the member-secretary of the CLFKRCC.[48] Despite such high profile gestures, progress was painfully slow. Lalpurja[49] was prepared for only 72.3 percent of the landless ex-Kamaiya. Out of the total Lalpurja prepared, only 55.4 percent were distributed. Of the total Lalpurja distributed, only 18.5 percent received land—meaning only 7.4 percent of landless ex-Kamaiya got Lalpurja and land. All got five katta or less land per household. Some ex-Kamaiya received land on the river bank, which generally got submerged in summer and thus was not suitable for resettlement.[50]

Till August 2001, a total of 10,424 identification cards were issued, mostly for categories 'A' and 'B'. This meant that 12.1 percent of landless ex-Kamaiya did not receive their card. Of the total ex-Kamaiya, 42.1 percent did not receive their identification card. In Kanchanpur and Kailali, 87.6 percent of the category 'A' received the identification card. Bardiya [48.7 percent] and Dang [21.4 percent] lagged in this process.[51]

Rupees 18 million was received in cash for rehabilitation till August 2001.[52] Given the total relief assistance needed, the actual supply was negligible. With 18,971 ex-Kamaiya families identified, this works out to US$ 11.5 of relief assistance per family. Even if only landless ex-Kamaiya [8,027] were included, this assistance was US$ 30 per family. By any standard, this assistance over 14 months is tantamount to providing no relief.[53] Little wonder then that the ex-Kamaiya felt that 'we did it ourselves':

Raj Dev Chaudhary says over and over that they did not get any help from the NGOs during the movement and that they still don't;

'We were the one to start the movement, but no one has helped us. We do not get any help with food or medicine. The NGOs, they get money from outside to help the ex-Kamaiya, but they don't give to us. The NGOs and the government only speak something, but they don't do anything'.

Rasmussen M L[54]

Even in the distribution of the funds that actually reached the KMAPS for rehabilitation, there was a perception that more money was spent in Kailali and Kanchanpur and less in Banke and Bardiya. Bardiya, having the highest number of ex-Kamaiya, did not receive sufficient relief materials.[55] Dang bore the brunt of neglect as usual. There was insufficient emphasis on the equity of the distribution.

Among the agencies assisting relief were AAN, ADRA, LWF, CARE, DANIDA, the British Embassy, Anti-Slavery International and SC–US. Despite repeated appeals, relief and assistance was not received from other agencies or bilateral donors.[56]

Cooperation among them increased because of the Begari system, especially in the Tharu community, and in some places it became the established model. Ex-Kamaiya's participation in different programmes increased through various groups, though there was a long way to go in decision-making. The involvement in their organisation, level of discussion and exposure increased significantly. They became more conscious of their right to rehabilitation.

Two years after

By December 2002, nearly 70 percent of those with 'red cards'—the absolutely destitute with no houses or land—and nearly 40 percent of those with 'blue cards'—those having a house but no land received land. Many of them settled down. In a few places of Kailali and Bardiya districts, they could not settle down due to continuing conflict with the Sukumbasi and forest users' groups because the government allotted land was already occupied by Sukumbasi and the land was being used by the local people for grazing cattle. Some could not get land since they did not have citizenship certificates.

Most settlements received some drinking water. The number of hand pumps was insufficient. In most settlements, five to fifteen households had to use a hand pump. In remote settlements, sometimes 30 to 40 households had only one hand pump. The settlement at Dhadhwar had a shallow tube-well for 60 houses, and at Machhaghar one tube-well for 50 families.[57] Some settlements faced severe shortage of drinking water.

Their coping mechanisms[58] ranged from sharecropping [up to 99 percent in some VDCs] to services like policemen and drivers, labour, selling wood, vegetable farming, running small shops, apiary, carpentry and other such work. Some had to resort to child labour. Though daily wages increased, annual incomes remained abysmally low. Their life was still precarious. Security of livelihood, food and person was yet to be attained, and still a distant dream.

Three years after

On the third anniversary of liberation, the ex-Kamaiya had a demonstration. The demands were virtually the same as those on the first anniversary of liberation when too they had a demonstration.[59]

- Identity cards for all, including women.
- Free education
- Facilities for health, food and drinking water.
- Ten katta of land per family.
- Wood and economic support for building houses.
- Minimum wages for all.
- Official acknowledgment of the Freedom Day as a holiday.

Apart from the demonstration, there were sit-ins during the subsequent week at the DDO and LRO in Kailali and Bardiya.

The 12-point demand of FKS was submitted to CDOs of five districts on May 2003 [30 Jestha 2060] as a memorandum and as an 'information letter' on February 2004 [4 Falgun 2060].[60]

- Distribute equal land to all freed Kamaiya instead of unequal land.
- Provide cultivable agriculture land instead of uncultivable and unproductive land (such as sandy, stony, river banks and flood prone land).
- Rehabilitate freed Kamaiya on the basis of one Kamaiya one identity card and rehabilitation of each.
- Systematically rehabilitate freed Kamaiya by providing non-conflicting land.
- Provide identity cards to the freed Kamaiya who are deprived of identification and identity cards.
- Provide land to all freed Kamaiya who already got land ownership certificate from the concerned government office.
- Provide timber and housing support to all freed Kamaiya.
- Rehabilitate systematically by providing land to freed Kamaiya who have got identity card, but no land or other facilities.
- Rehabilitate all freed Kamaiya who were in the government's record of 2052 BS (1994-1995 AD).
- Rehabilitate all freed Kamaiya who are identified in the second phase (who have new identity card).
- Do not divide freed Kamaiya into different categories in coming days.
- Rehabilitate systematically all freed Kamaiya by providing employment, education for children, health and irrigation facilities.

They were sleeping in the open, without food or even an extra cloth to cover themselves from the extremely harsh weather. Even in the winter of 2002, there were many preventable deaths of ex-Kamaiya. Fifty two died in Bardiya district alone due to the devastating cold, as they lacked proper clothes and shelter.[61] The situation improved by May 2003, but there was still a long way to go.

AAN conducted a study[62] of 66,143 ex-Kamaiya, 31,435 women and 34,708 men in 11,313 ex-Kamaiya households. The total enumerated ex-Kamaiya households were 11,313. The total households indicated was 12,223, of whom 910 could not be found. Over three thousand households [3,089] were found unregistered. The finding gives scope for cautious optimism that the worst was past.

The government welfare net was finally reaching them. Almost all of them [99.4 percent] had the Kamaiya identification cards. Only 67 of the 11,312 households did not.[63] Overall, 77.8 percent had the red card and 19.8 percent had the blue card.

Almost all [95.7 percent] the ex-Kamaiya had land registration certificates. Only 481 households did not. While this itself is not an encouraging track record for three years, the quantum of land allotted gives rise to concern: 4.1 percent had one katta of land or less, and none had more than five katta. Over 30 percent of the land was unusable—being either on sandy river banks [13 percent], unirrigated [15.5 percent] or in deep, inaccessible places [2.4 percent].[64] While these could be overlooked in the initial phases, three years down the line it is inexcusable.

The Sri Lanka camp in Kailali district with 156 households had to be evacuated as their camp was flooded and several houses were destroyed. The army threw lassoes to rescue people from their homes which had become islands. A day old child died in the aftermath due to unstable shelter and lack of treatment.[65]

The rate of land use shows the determination of the ex-Kamaiya to better their lot, and their willingness to put in hard work. Of those covered by the study, 91.4 percent of the ex-Kamaiya were using their land. Of those not using their land, the most common reason is due to conflict with the Sukumbasi, [32.6 percent], landlords [33.5 percent], and because the land allotted was community forest [1.6 percent].[66]

About a third [30.8 percent] of the ex-Kamaiya work on other's land. They work as Bataiya [sharecropper, 90.9 percent], as Kamaiya [4.4 percent], as renter [4.5 percent], and as Chaumali [0.2 percent].[67]

The reach of relief materials follows the same pattern—good if it was done within three months of liberation, but dismal after three years. 81.7 percent got housing support, only 10.4 percent got timber. Just 6.6 percent had irrigation facility. Only three percent of the women and 5.9 percent of the men had been trained in income generation activities.[68]

Almost 60 percent of women do their own work [59.3 percent], and a further 18.8 percent work as agricultural wage labourers. Only about ten percent of women do non-agricultural labour, indicating that their skills remain within agriculture. For men too, over half do their own work [54.1 percent], and a further 30.6 percent do agricultural wage labour. It is encouraging to note that over a quarter of men [25.5] do non-agricultural labour.[69]

However, the fact that 73 percent of those continuing to work in the ex-lord's house and 27 percent working outside are due to extreme poverty show that the root causes are not addressed. The comparative figure was 79.1 percent working with the Kamaiya lord before liberation due to extreme poverty.[70] It shows that just six percent have been able to move away from extreme poverty in three years. With just 8.8 percent getting training, and only 73 households [3.4 percent] having more than one wage earner, livelihood security leaves much to be desired. The rate of two percent poverty reduction per annum is not nearly good enough.

Debt bondage continued to be high, with 48 percent of those enumerated in debt. Over 80 percent of them took the loan after liberation, and 16 percent of them were still repaying loans taken before liberation. The average debt was rupees 4,224 per household,[71] ranging from rupees 30 to 600,000. This was eerily like the pre-liberation days when the average debt was rupees 4,784.[72] Interest ranged from 2 to 26 percent per month. But most were at the prevalent market rates of five percent per month or less, indicating that liberation and mobility have brought down interest rates. Over half the loans [52 percent] were either for consumption or for livelihood, again pointing to gaps in addressing root causes. More than one in four [28 percent] remained hungry for at least one day a month.[73]

The study found 3,089 unregistered families. This is over 25 percent of the registered—an unacceptably high figure three years on. Part of the rather rosy picture painted by the survey is due to their exclusion. The requirement of getting their ex-lords' certification for issuance of identity cards puts their rehabilitation at risk.

Many still lived in illegal camps in inaccessible places in poor living conditions. They were far from towns, with few work opportunities. During the monsoon many camps get flooded and the small houses are not strong enough to bear through the rough weather.[74]

There were no health posts nearby, despite their health being precariously poised. The ex-Kamaiya, naturally, did not have money for travel or medicine. Many of these facilities exist on paper only. In Shatinagar camp, a permanent camp located by the highway, a large signboard displays the support the camp has got, among other things a health post and a school. Both were invisible.[75]

Despite all the problems that remain, there is a perceptible difference in the life of the ex-Kamaiya. One of the most important differences is in the relationship between them and the ex-lord. It is now a relationship between a landlord and a tenant or sharecropper. The share of the crop is invariably more than what they got as Kamaiya. The relation between the landlord and the tenant is, relatively, more egalitarian than the one between Kamaiya and Kamaiya lord. Most ex-Kamaiya report getting more respect from the ex-lords.

Pending issues

There are many issues, big and small, regarding ex-Kamaiya rights and rehabilitation. They range from land to housing, drinking water, education, health, food security and long-term development.

Rehabilitation was not systematic or effective. Right from identifying ex-Kamaiya, to classification, issuing identification cards to support for resettlement, the list of avoidable snafus is long. Even in April 2004, their rehabilitation and resettlement remains unfinished.

Identification of all ex-Kamaiya

Not all the ex-Kamaiya have been identified, nor were those identified classified appropriately. Independent surveys by NGOs have not set at rest this issue that is costing deserving ex-Kamaiya dearly.

The 'left-out' Kamaiya are proving to be one of the most intractable issues that simply refuses to go away. The earlier practice of getting a certificate from their ex-lords was one obstacle that prevented many from being registered as ex-Kamaiya. Compounded by the lack of data with the government, which insisted on using its dated data, it therefore excluded many. With poverty being endemic, and scarce resources—however little—reaching the ex-Kamaiya, it is but natural that those left out of this 'preferential treatment' would want to be recognised and recompensed for their years in servitude. Without such recognition, they are ignored.

The many left-out Kamaiya in makeshift camps on forest area around the Ojharkhali Kamaiya camp in Kanchanpur are a case in point. They were ignored and bypassed in the 'privileges' enjoyed by those 'recognised' by the government. They were forced to drink muddy water from a nearby stream and were haunted by the worries of permanent settlement. They lived in constant fear of eviction—both from the government and from the Sukumbasi.

When the DLRO in Kanchanpur called for the left-out Kamaiya to report on their situation in November 2002, it received 1,822 applications. Eight months down the line, there was no action taken on these applications—presumably because the government was surprised to find that all of them were in order. FKS, Kanchanpur announced a strike if their issue was not settled within the month of August tentatively, mid-August 2003.[76]

Insufficient land

Distribution of land was the priority task of rehabilitation. Even here there were, and are, knotty issues. Many of the issues are bureaucratic and needed just strong political will for their resolution.

Unfortunately, given that the entire political establishment—and indeed the entire state[77] itself—is struggling for its very survival, political will remains a rather remote possibility.

- Some received the LOC, but no land.
- Some received the red card, but their names were not in the distribution list so they could not get land.
- Some received land which was sandy, stony or on river banks where nothing could be grown.
- There was no uniformity in land distribution. Ex-Kamaiya got land ranging from seven dhur to five katta.
- The government did not settle the dispute between the ex-Kamaiya on the one hand, and the Sukumbasi and landlords who claimed the same land, on the other.

Sub-optimal use of resources

There were sufficient supporting organisations and resources for ex-Kamaiya rehabilitation. Numerous big and small NGOs were involved in Kamaiya programme and rehabilitation. There was lots of programme duplication. Plans and programmes were not designed with the participation of the rights holders nor in coordination with other actors. Participation of rights holders was only in implementation and none in programme design, needs identification, coordination and programming.

Though there was a lot of talk of coordination, it seldom translated into coordinated effort in the field. Entire families were involved—or forced by their starvation to be involved—in similar programmes run by different agencies leading to considerable loss of their time and resources.[78] In one celebrated instance, one woman belonged to eight different groups promoted by different agencies. Despite this, rehabilitation was not satisfactory and she threw the books of membership in the different groups and programmes.[79]

This seems to be an endemic problem even before liberation, since five NGOs and INGOs were reportedly working with a community in Bardiya with little impact.[80]

Uneven focus on ex-Kamaiya

There was excessive focus on the resettlement of the red card holders. The crisis did warrant attention and emergency relief for them, but not to the detriment, and even overlooking, of the claims of the others. Attention to blue, yellow and white card holders was poor, and in some cases they were totally ignored.

Involving all stakeholders and interested parties

The government and the CSOs overlooked the other interested parties in the rush for relief and resettlement. The Sukumbasi, Kamaiya lords and local people were ignored. Without their support, the rehabilitation of ex-Kamaiya became difficult.

Lack of infrastructure

There was a general lack of houses and drinking water. Resettlement has been haphazard, with little planning and no effort at applying scientific principles. This led to avoidable disease and hardships, some of which even led to death.

Schooling for their children remains a serious problem. Even in government camps, there are few quality schools. In remote camps, there are no schools—whether the camp is an approved or an 'illegal' one. So children cannot go to school.

In illegal camps, even CSOs cannot provide education since they would fall foul of the government. At Sailahi camp in Bardiya the ex-Kamaiya built their own school, and asked the District Education Office [DEO] to help them pay the teacher. The DEO refused on the grounds that it was an 'illegal' camp.[81]

Structural causes remain

Insufficient land, employment opportunities and skills for off-farm labour, an unresponsive social and political superstructure together make a deadly concoction. The net result is that many of the ex-Kamaiya continue working at the same old rate [10-11 sacks of paddy per year] since they have no alternative.

Skill training and skill sets

Skill training often focuses only on the skills required for production of commodities. Practice of the trade goes much beyond production to capital utilization and market links. These are as important as the technical skills. The links get markets, least input costs and the maximum price for finished goods. Not surprisingly, many of those 'trained' are unable to find work.

Sustainability

Sustainability is not possible unless the ex-Kamaiya know and enjoy their rights, become organised, strong and own what they take. Their access to and control over the resources is essential for sustainability.

They still depend a lot on the grace of others. They do not have access to a sufficiently large resource base to be self-sufficient, in terms of natural resources, or knowledge or skill sets. Though they report higher daily earnings, the annual incomes remain abysmal, and highly vulnerable to abuse.

Empowering and strengthening them is a fundamental task of rehabilitation. They need to be organised on a larger identity—perhaps ethnic 'Tharu'—linked to the larger political process such as the Sukumbasi and the trade unions, take control over Tharuwan and become sovereign over more and more parts of their life.

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[1] In conversation with the authors, 11 March 2004.

[2] Lowe P, 2001.

[3] Uddhav Poudyal, ILO, in conversation with the authors, 9 March 2004.

[4] Bharat Devkota, in conversation with the authors, 16 March 2004.

[5] Man Kumar Shrestha, Coordinator, Kamaiya Programme, MoLRM, in conversation with the authors, 17 March 2004.

[6] Shrestha K P, Shrestha N L, 1999, p26-28.

[7] Anon, *Draft Report on Food Security Situation in Freed Kamaiya*. AAN, 2002.

[8] Sharma S, and Thakurathi M, 1998, p30.

[9] Shrestha K P, Shrestha N L, 1999, p33.

[10] Uddhav Poudyal, ILO, in conversation with the authors, 9 March 2004.

[11] Anon, *Three years of Freedom without Land and Schooling is not real Freedom !* MS Nepal, 2003 http://www.ms.dk/kampagner/OD02/three years.htm

[12] Sharma S, 2001. Sharma's table also has budgets but for AAN. We have omitted budgets since they are notoriously

difficult to verify, given that accounting practices are varied, but numbers give a deceptively 'neutral' standard for comparison.

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[14] Anon, AAN, 2002.

[15] Pramod Pathak, CCS, 8 March 2001 in Rasmussen M L, 2002.

[16] Sharma S, 2001.

[17] *A Focus on Security in Nepal*, Trip Report by Philip Lamade, Program Specialist [July 26 through 30, 2003]. Philip Lamade travelled to Nepal to review World Food Programme [WFP] activities in light of the renewed Maoist insurrection and to assess UN controls to prevent reoccurrences of sexual and gender-based violence against Bhutanese refugees in eastern Nepal. http://www.usembassy.it/usunrome/files/Nepal.htm [Nepal trip report].

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[20] Gurung Y B, 2003.

[21] Anon, ActionAid Nepal, 2002.

[22] Anon, ActionAid Nepal, 2002.

[23] Gurung Y B, 2003.

[24] Anon, ActionAid Nepal, 2002.

[25] Gurung Y B, 2003.

[26] Ek Raj Chaudhary, *Changing forms of Labour Exploitation in the Traditional Agriculture System*, in Ekchhin, 2002 issue 2, p41.

[27] Devkota B M, 2001.

[28] Devkota B M, 2001.

[29] Uddhav Poudyal, ILO, 28 March 2001 in Rasmussen M L, 2002.

[30] Gurung Y B, 2003.

[31] Jyoti Lal Ban, *Kamaiya Emancipation: From the Beginning to the Present*, in Ekchhin 2002 Issue 2, p33.

[32] Om Prakash Ghimire, Secretary, Bhimapur VDC, Bardiya, 5 March 2001 in Rasmussen M L, 2002.

[33] Sharma S, 2001.

[34] This section draws considerably from Devkota B M, 2001.

[35] Prakash Kaffle, RRN, 4 March 2001, in Rasmussen M L, 2002.

[36] October 2000.

[37] Devkota B M, 2001.

[38] Devkota B M, 2001.

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[40] Krishna Luitel, INSEC, 27 February 2001 in Rasmussen M L, 2002.

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[44] Pramod Pathak, CCS, 8 March 2001, Rasmussen M L, 2002.

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[48] Minutes of the consultative meeting held on 23 August 2000 on possible support to recently freed bonded labour, National Planning Commission, HMG/N.

[49] In English: Land certificates.

[50] Devkota B M, 2001.

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[52] Rupees 18,299,657, US$ 247,293. Data from KMAPS/BASE, quoted in Devkota B M, 2001.

[53] Devkota B M, 2001.

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[56] Devkota B M, 2001.

[57] Anon, *Half of the recognized ex-Kamaiyas yet to receive land*, in Ekchhin, 2002 issue 2, p39.

[58] Anon, ActionAid Nepal, 2002.

[59] From the memorandum submitted to MoLRM during their rally. There was no demonstration in 2002 due to the state of emergency.

[60] Translated by Nanda Kumar Kandangwa.

[61] Anon, MS Nepal, 2003.

[62] Gurung Y B, 2003.

[63] Gurung Y B, 2003.
[64] Gurung Y B, 2003.
[65] Anon, MS Nepal, 2003.
[66] Gurung Y B, 2003.
[67] Gurung Y B, 2003.
[68] Gurung Y B, 2003.
[69] Gurung Y B, 2003.
[70] Gurung Y B, 2003.
[71] The quantum of loans could indicate a downward spiral of debt, or their 'comfort level'. The rupees 550 difference could be due to the decrease in interest rates. However, this hypothesis needs rigorous testing.
[72] *Report of the Social and Economic Conditions of the Kamaiya*, Ministry of Labour, 1995 quoted in NHDR 1998, p110.
[73] Gurung Y B, 2003.
[74] Anon, MS Nepal, 2003.
[75] Anon, MS Nepal, 2003.
[76] *The Kathmandu Post*, 27 July 2003.
[77] The CPN [M] dismissively, and contemptuously, refer to the present state as the 'old state establishment'.
[78] Anon, ActionAid Nepal, 2002.
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[81] Anon, MS Nepal, 2003.

CHAPTER 7

Some issues and lessons

If I had control over things, I would have done it in a more gradual manner. Kamaiya demonstrations are foolish—no good. One should work peacefully. Demonstrations and agitations are not going to solve the issues. They should wait for the government to come out with some kind of legislation. Now the Maoists are closing the educational institutions. Nepal is moving towards anarchism.

Shiva Raj Pant[1]

The movement should have concentrated on providing tenancy rights from their landlords to freed Kamaiya to the land they had been farming instead of demanding that the government provide land after the abolition of the bondage system. The NGOs and other civil society should have opened dialogue with the politicians, government and the landowners on securing freed Kamaiya's tenancy rights and changing the relationship from Kamaiya to tenants.

Uddhav Poudyal, ILO[2]

When a movement is successful, then everybody lays claim to it. Every movement has its ups and downs. No movement is an exhilarating joy ride from start to finish. It is racked by self-doubt, self-criticism, petty ego clashes masked as ideological differences... the list is endless. However, what is remarkable is that despite all this, human beings rise above themselves to create something that is far beyond the sum of their individual capacities.

However, every movement consists of human beings. Like its constituent human beings, therefore, it has many frailties. Enumerating these is not to take away from the achievements of the movement, but rather emphasise that the movement has succeeded brilliantly despite the many known and unknown 'blemishes'—that the success is despite the imperfections, of which there are many.

It is only in hindsight that vision is perfect and the choices obvious.

Role of the state

Coordination by government

Many NGOs and government agencies were involved in ex-Kamaiya rehabilitation. Government line agencies and local governing bodies were involved, especially in implementation.

The Government of Nepal designed the Tenth Five-Year Plan with poverty alleviation as focus with the target of reducing poverty from 38 percent to 30 percent. There was no specific policy or plan to address extreme poverty, such as that faced by the ex-Kamaiya on poverty reduction, aims of rehabilitation, goals, strategies and programme period. This led to problems in dealing with certain ministries for channelling support and conducting programmes. They lacked a specific long-term vision.

Government ministries, especially those of Land Reforms and Local Development, were involved in ex-Kamaiya rehabilitation. The decisions of the government on rehabilitation such as providing land, housing support and timber were not implemented properly or on time. There were avoidable delays. There were charges of corruption and irregularities. There was a gap between policy and implementation. All of these affected systematic rehabilitation.

We have the information here. BASE and other NGOs have made their own groups and there are many kinds of duplication. We have information about Kamaiya; they have made their own kind of information. They have made many groups to provide training and other assistance. But it is duplication, they are giving from their side and we from ours.

Netra Bahadur Rawal[3]

Due to the lack of a long-term vision and plan, the government's coordination in rehabilitation was ineffective. The centralised bureaucratic system was a barrier to efficiency. Coordination among ministries suffered due to bureaucratic power play. Internal coordination among government agencies such as Land Reforms Office, DDC and District Education Office as well as between these agencies and the NGOs continues to be very weak.[4]

Due to lack of coordination in policy and implementation among supporting agencies and NGOs, those involved in rehabilitation could not assess needs nor prioritise programmes. There was a need for quick coordination and monitoring mechanisms, oriented to problem-solving rather than limited by bureaucratic red tape.

This lack of coordination was not restricted only to the government, but spread right across the spectrum of actors. Bureaucratic organisations expected others to come to them, not knowing that a tectonic shift had taken place. Hierarchies would no longer work. Those who wanted to be players had to get out to the field by themselves.

The Ministry of Land Reforms conducted a survey on the number of Kamaiya in 2000, but later the NGOs made a new survey in 2001. This has somehow created confusion among the people and the agencies. BASE, including other NGOs, would have supported the Ministry in identifying and verifying freed Kamaiya during the survey in 2000. This would have avoided the situation of keeping additional freed Kamaiya without proper rehabilitation. Moreover, while rehabilitating freed Kamaiya, all the agencies including NGOs would *have adopted a coordinated and collaborative approach that would have been more effective and efficient in the long-term rehabilitation of the freed Kamaiya. At the moment, the activities and areas of many organisations are not well known to them. Therefore, the duplication of activities are noticed at the field level. It is important to build synergies across the programme by providing information to each other on their activities.*

Uddhav Poudyal, ILO[5]

Ironically, ILO wouldn't think of going out and getting this information—just a phone call away.

Limitations of the state

The government did try its best. The state which has inertia in moving against its own has the same inertia when moving to help the weak. It moves with alacrity to help its own, and act against the weak. It will earn respect and legitimacy if its intelligence, infrastructure and resources are used to support the weak.

The government was hampered by the very design of its infrastructure. States have infrastructure—both physical and mental—to take from the poor and give to the rich. This is an intrinsic characteristic of institutional systems: they take from others and give to their constituency. Trade unions have systems to get and deliver benefits, goods and services to their members—often organised labour. NGOs, in contrast, have the infrastructure to take from the rich and give to the poor. The state infrastructure is based on force, while NGO infrastructure is based on voluntary compliance. Therefore, despite such difference in infrastructure, constituencies and character, the state and CSOs need to work together. The prime resource for distribution in this case was land. Redistribution is hardly likely to be voluntary and so requires government backing. CSOs can only monitor that it reaches the last mile. Even here, actual end user ownership can be insured only by organisations of the affected—in this case the ex-Kamaiya themselves.

Given the state always consists of the dominant, what is expected of the state is only that it be an honest broker. Impartiality of the state is seldom expected by experienced campaign strategists. Even so, the blatant bias of the government scaled up new peaks. The government actually came up with a plan and allotted budgetary resources to 'pay off the debt' of the Kamaiya! There was no similar allocation for restoration of livelihood for the Kamaiya. This meant that the only gainers would be the landlords—the very strata that made up the ruling class.[6]

There was a conscious attempt to ensure that the liberated Kamaiya were not self-sufficient. The land provided by the government, even if ten katta, does not make them self-sufficient. The government just completed a formality. The excuse was that there was no land available. Even by government reports,[7] the landlords had land in excess of the land ceiling. The government could confiscate the excess land[8] and distribute it to the ex-Kamaiya. The government did not do that. It went one step further. It openly worked to nullify the revolutionary 'Land Reforms and Prohibiting Land Registration' law by giving advance notice. The landlords were able to evade the law by transferring legal ownership to their relatives.

Given the political situation, anyone speaking for rights is considered a revolutionary 'Maobadi'. Accusations and counter accusations about ex-Kamaiya and Tharu sympathies with the CPN [M] movement are rife. While nobody accuses the Tharu or ex-Kamaiya of support for the CPN [M] in greater proportion than the rest of the population, everyone is frightened that the ex-Kamaiya will join CPN [M], since both talk the language of rights. This is an indicator of how far the state and civil society are from reality.

Bureaucracy: Inherent systemic limitations

All states are run by the bureaucracies, a largely permanent body in contrast to the transitory political leadership. With the shelf-life of its prime ministers being just about a year, Nepal depends on its bureaucracy more than most countries. The bureaucracy is normally from the elite and has a vested interest in status quo. Often, they are impediments to change. However, the government is forced to act through this system, staffed by people hostile to social change.

The myth of bureaucratic neutrality is put to rest by Kailali DDC Chairman Narayan Dutta Mishra, who publicly opposed writing off Sauki in liberation.

As DDC chairman, he headed the DLFKRCC—the very committee to oversee the identification and monitoring of rehabilitation of the ex-Kamaiya in the district. It begs several questions, chief among them being: if the chief of the 'District Level Freed Kamaiya Rehabilitation Coordination Committee' does not want to do it, then who will?

Apart from the problems such as the DDC, the designated official responsible for rehabilitation opposing liberation, there are more endemic, systemic problems that transcend personalities.

The first is the transfer system, that makes personal responsibility an oxymoron, no matter how sincere the individual is. During and after the movement, bureaucratic procedures of transfer led to a culture of no responsibility. For instance, the secretary of MoLRM pleads ignorance in March 2004, since he was posted only recently. The well-meaning and sincere coordinator of the government ex-Kamaiya programme Man Kumar Shrestha was a little better, but had the same handicap. Being 'recently transferred', both had no historical perspective, and less long-term vision—though conscientious bureaucrats and perhaps sincere individuals as well.

The second is the vast responsibility. Together with transfers, it makes in-depth knowledge impossible and even undesirable. Secretary Bijaya Bhattarai, MoLRM, was unable to provide even basic information, despite heading the ministry directly responsible for rehabilitation—and being the member-secretary of the Central Level Freed Kamaiya Rehabilitation Coordination Committee!

Lower levels of the bureaucracy are perhaps more sensitive, since they interact with real flesh and blood people. At the rarefied levels of administration, people are reduced to numbers and targets. To them, rehabilitation is not people and livelihoods or social reconstruction, but programmes, budgets and a security problem. So the ex-Kamaiya are in a *vacuum between achieving their legal freedom and living in real freedom. Nonetheless, support is directed by rigid rules and arbitrary logic instead of by needs.*[9]

This indifferent bureaucratic system controls most of the country. It cannot be a part of social change, much less lead it. However, it is loathe to relinquish any leadership role, thus becoming an impediment to social justice. The DDCs and CDOs already have vast responsibilities. Yet they are the chair and deputy chair of the DLFKRCC. The Ministry of Land Reforms and Management has not yet been able to do any land reforms. So presumably it is already busy. Yet its secretary is straddled with the additional responsibility of being the member-secretary of the CLFKRCC. This is the direct result of the unwillingness of the bureaucracy to let go any responsibility, regardless of their ability to perform. The bureaucracy must curb its desire to be the bride at every wedding and the corpse at every funeral.

Dealing with governments and bureaucracies

Bureaucracies are rigidly hierarchic structures. This gives an opportunity for action. More than the highest authority, it is the *threat of approaching* the higher authority that puts mortal fear into the hearts of bureaucrats. In the movement, the activists approached the highest authority possible, and then added pressure. Petitions were sent to the VDC, DDC and the Ministry of Labour. These were copied to the prime minister—not that he would do something, but that the lower officials, in their fear of hierarchy, would.

The bureaucracy has counter moves—the personal links with the members of parliament, absence of law, inadequate knowledge of the law by the activists, or the most potent bureaucratic weapon: procedural delay. Then only raw peoples' power and moral authority can break the deadlock for the necessary breakthrough.

Talking to the government is good, but encouraging and facilitating the poor to organise is more effective. The government already knew, and their own studies confirmed, the prevalence of the Kamaiya system. But they did not act till its own existence was at stake. Campaigns cannot assume that the government does not know. Sometimes the government knows, but chooses not to act. The campaign must develop capacity to force the government to act. The government is certainly a stakeholder and an interested party. But its interests are not the same as the poor, or even the long-term interests of the nation.

The question of violence

Given the contemporary political environment of Nepal and the world where every assertion of human rights is labelled 'terrorist', it becomes important to address the question of the source and use of violence. The movement was successful because it was non-violent, and within the framework of the constitution, despite grave provocations.

Unequal status quo is maintained through violence. Most of this violence remains unseen since it is built into the normative base of society, and thus is 'background noise'—shut out by habit—until brought to consciousness by its increase to intolerable limits or conscious focus and sensitising.

Most often, systemic violence is so normative, it becomes visible only when the oppressed resist. Then they—the oppressed—are blamed for the violence. For instance, women claiming equal rights to property are blamed for upsetting tradition. However, the oppressed resort to resistance only when death is preferable to acquiescence.

In the particular context of Nepal, this must be kept in mind, especially since many ex-Kamaiya are accused of being CPN [M] supporters. Not redressing the injustice, continuing wilful blindness to their plight, decades of apathy—all point to the complicity of the state in pushing and even encouraging them to direct action. It is the establishment that bears the onus of pushing them into extreme forms of hopelessness, protest and survival.

In an incredible feat of mental agility, but a move well known to human rights defenders, rooting out slavery was considered a threat to national security and termed anti-national, while the slave owners—law breakers, if not criminals themselves—were considered pillars of the nation and of national stability. When lawbreakers become the pillars of the nation, anarchy and revolution are not far behind.

A typical case of 'violence' and direct action in Dang brings these issues to the fore.

When a Kamlahari was raped for the fourth time on 14 March 2001 by ex-Kamaiya lord Shovakar Dangi, her parents complained to the VDC and other concerned authorities. There was no response.

At a mass meeting of ex-Kamaiya and KMAPS held on 20 March 2001, they shared their frustration. The ex-Kamaiya of Dang captured Shovakar Dangi the very next day, blackened his face and delivered him to the Tulsipur Police Station.

True to form, the police, instead of taking action against Shovakar Dangi, booked cases against the 51 ex-Kamaiya and Shram Lal Chaudhary, the coordinator of KMAPS in Dang, who dared to arrest Shovakar Dangi.[10]

After liberation, there was perceptible increase in confidence among the ex-Kamaiya. They were unwilling to take their abuse lying down. They firmly resisted past practices that were considered the 'norm' prior to liberation. The ex-Kamaiya lords and the government were equally unwilling to change their behaviour. The ex-Kamaiya were confident enough to force change.

Unless the state and society change their behaviour, labelling the ex-Kamaiya and the Tharu as 'terrorists' or Maobadi will not help. Every citizen has rights. States that pretend they cannot understand the language of rights are forced to understand it by the language of violence.

Role of the media

In any campaign, a critical mass of people from the decision-making and policy implementing sections—the upper and middle classes—need to understand the issue. The media becomes vital for building this broad based support and public opinion for change. The media was an important contributor to the liberation movement, possibly because the issue was easily identifiable. Reporting on the movement voluminously, covering every event possible, and giving wide publicity to virtually every press release of the movement leaders, the media took this up as its own cause, acting as the conscience keeper of the nation.

There was continuous coverage in newsletters and magazines of human rights organisations. MS Nepal brought out a special issue of its newsletter on the situation of the ex-Kamaiya. GRINSO and INSEC covered it in their magazines. Many others wrote articles and letters to the editors of newspapers and magazines. International media also gave good coverage to the issue.

One of the first attempts at media advocacy was when an architect wanted to do something more meaningful than work with bricks and mortar. He went to the western region and wrote about the issue. This was placed in the pigeon holes of the MPs. Of the 205, only five acknowledged knowing about the Kamaiya issue.

After the liberation, the media continued to play its watchdog role. It has, correctly, pointed out the lapses in rehabilitation and the disarray in the ranks of those who were formerly in the forefront of the movement.

Prior to the liberation too, the media was used to good effect by both sides at all levels. Journalists from Kathmandu were taken to the field and to workshops on sponsored tours by members of the KCG, though this led to some resentment in a few quarters.

The media provided good coverage of the issue and the campaign, though the official media was a little slow on the uptake. There was material on the movement on Nepal Television, local press, national radio and daily press briefings. In addition, there was pamphleteering and posters.

Landlords

Landlords quickly drew upon their alliances in the local media to shape public opinion. They effectively used the media to attack the movement and de-legitimise the organisations and leaders. The local press either failed to cover news of the campaign or covered it negatively. For example, in early June 2000, the landlords charged BASE with kidnapping the petitioning Kamaiya and using them for their own gains, and creating an ethnic uprising. Using these charges as an opportunity, CDO Gautam wrote a letter to BASE accusing them of kidnapping and inciting social unrest.

The movement

The movement was a little hampered by not having sufficient presence in Kathmandu, since the movement took place in five districts in western Nepal, far away from the capital. This was more than made up by the KCG, since many of the constituent organisations had their headquarters there. They could give adequate support for media advocacy. In addition, Kathmandu-based groups such as Martin Chautari were roped in for the purpose.

Media support is often dependent on the links with the local correspondent, and moving to a new location often means forfeiting this asset. Mobilising these links of a few Kathmandu-based organisations ensured 'local' support, making it possible for the movement to retain and even enhance its presence when it moved to the crucial phase in Singha Durbar.

KCG members supported and sponsored the trips of the Kathmandu-based journalists to the western region right through the movement. It resulted in heightened visibility in the national media. The negative fall out was that the media, in its gratitude for support, did not report on the institutional gaps, forgetting its watchdog role.

Banning the constitution

The use of media was widespread. For creating a favourable public opinion within the middle-class society, the issue was taken to every house using the print media. Given that the Kamaiya had less than ten percent literacy, reaching them had to be done by non-print means. MS Nepal made a documentary that was shown on Nepal Television. AAN made a documentary '*Bonded for Generations*' that was shown to all international agencies. These were instrumental in gathering support for the movement.

The local radio and television were roped in. Here the strategy was simple. The script called for them to broadcast just the relevant article of the law related to bondage and minimum wages. It was a sponsored programme, paid up in advance for seven days. The media broadcast it for three days and then refused to honour the contract under pressure from a central minister, citing its incendiary potential—in effect banning the constitution from the airwaves.

Poster boys

For fast communication, the media turns the spotlight on individuals—both as heroes and as villains. This media spotlight on persons within the movement makes them larger than life. Unused to this, grassroots activists often let themselves believe in this media created image, leading to avoidable problems within the movement.

For the media, the 'defining' persona for the movement was Dilli Chaudhary of BASE, himself the son of a Kamaiya and extremely 'newsworthy' being a recipient of the human rights award and Anti-Slavery Award. Despite the media focus on a few, it is important to remember—and acknowledge in as many forums as possible—the significant contribution of others towards liberation. Dilli himself acknowledges the contribution of many. However, continued media projection of an individual, and the resultant INGO stampede towards the media favourite, caused strains within. The reality is that the movement was the collective effort of many, who had different, equally important responsibilities.

This bias is clearly seen in the 'Geta case'. Many others filed petitions on this day. Yet the media covered this one since it was in the district headquarters, and the person involved was a prominent citizen. For instance, a petition filed in Ratanpur VDC was not covered by the media, possibly because it was in a remote area. If that was covered, then the name on everyone's lips would have been different.

The media mess

The media needs to connect to the reader—after all it is a commercial enterprise, and news is another commodity to be sold to media consumers. To connect, it relies on sensationalism, emotions, and on personalities. While this does enable the message to be disseminated to the largest number of people in the shortest time possible, it does have unintended consequences on the movement itself.

The media wakes up to the issue around mid-July every year. It does seem logical since the liberation day falls then, and stocktaking around the anniversary would give a picture of the progress in the preceding year. The motives are not totally altruistic. That is the monsoon time—and they get the most dramatic pictures of ex-Kamaiya suffering at the time.

Sometimes, the media penchant for quick-fixes and saleable stories results in sensationalism. For instance, it was reported[11] that Tulsi Ram Tharu, an ex-Kamaiya, sold his one-year-old daughter to another couple Shekhar and Sushila Chaudhary in Tikapur for rupees 200 in March 2004. He reportedly sold his daughter since he had to work through the day and was forced to sell her off. While poverty is certainly a contributory factor, a more complete picture reveals other reasons too. His wife had died some days after childbirth and he had no other social security systems to take care of his daughter. By sensationalising it as a case of an ex-Kamaiya, the deeper structural reasons—which were probably driving many to take recourse to the same exit route—were glossed over.

A more potent danger was the media getting carried away. During the process of land distribution, most of categories 'A' and 'B' got land. One family did not want to move from their land and was content to get title to the seven dhur of land that they had. The media sensationalised this. The government naturally got irritated. However, they were irritated with the wrong people—the ex-Kamaiya and the CSO supporters who had nothing to do with the adverse publicity—and vented their ire on the hapless ex-Kamaiya, rather than the media which were to be blamed.

Role of CSOs

You are the problem.

Dilli Chaudhary[12]

This statement arising from an exasperated activist was to INGOs and government officials who were mainly Brahmin and Chhetri. They promptly sanctioned rupees 300,000. It is indicative of the inability of

CSOs to understand the depth of the problem. The desire to stay within the comfort of their institutional boundaries is not as rare as it should be.

The important role played by CSOs—the non-state actors such as NGOs and INGOs—was crucial. This leverage could be, in part, because of the international community's role of funding more than 60 percent of Nepal's development budget and more than 28 percent of total budgetary expenditures. This gives it enormous influence that can be beneficially channelled into equity and democratisation of Nepal.

Yet, there was no clear ideological commitment towards democratisation and human rights with many preferring status quo, despite the clear clash of values. The overwhelming trend was to 'make the situation better' within the 'charity space' rather than risk fundamental change that would genuinely set the Kamaiya on a road to freedom and then to secure a life with dignity.

The lack of clarity slowed down the momentum, since the internal process of convincing allies took up energy and time. However, this process was to prove beneficial in the long-term since those charity and relief agencies that stayed, did prove invaluable during the rehabilitation phase. Their expertise and wherewithal were vital in the succeeding phase.

Most organisations came to the position of 'freedom' or 'liberation for the Kamaiya' only gradually. Initial positions were invariably 'reform' and finding a better deal for the Kamaiya within the existing system though there were notable exceptions such as INSEC that had a clear position on liberation and tailored their programmes—such as awareness building—towards that goal.

This awakening within the support organisations was at different points. KCG provided a good platform for sharing this learning. It was also instrumental in coordinating the effort so that a critical mass—essential for change—could be formed. The fragmented effort of the Kamaiya or different organisations became history. With coordinated effort, the entire edifice came tumbling down, despite the frantic efforts of the state to prop it up.

Lack of foresight: Timing

There is a dictum in fitness that an ounce of flab takes double the time to get off than get on. Liberation probably does not take twice as long as enslavement, but it is certainly a long haul and cannot be achieved by administrative fiat or decree. The CPN–UML government, with its long association with the movement through GEFONT, could have declared the Kamaiya free on day one of its rule. Yet, a more gradualist path was, correctly, chosen beginning with a study. If an issue is opened up, it should be addressed and solved. Otherwise, it should not be opened up at all. Derailing the gradualist process by subsequent governments was perhaps instrumental in the whirlwind of anger that caught everyone off guard scarcely five years later.

There is unanimity regarding the lack of rehabilitation and the way the liberation decree took everyone by surprise. While momentum had to be maintained after the registration of petitions, surely the effects of the monsoon and the cold wave could be foreseen, and provided for before escalation of the campaign. Hostile climatic conditions are seasonal, and therefore are factored in as a routine in all movements—just as BASE factored in the effects of the climate on the agricultural cycle and from there onto its campaigns. A question that continues to torment some is whether escalation of the campaign should have been delayed. Should the movement not have set the pace for freedom and accepted freedom only on its own terms?

The government gives a little only when it is terrified of losing more. Movements should have the confidence to negotiate from a position of strength. Nelson Mandela could decide on the timing and mode of his release—overriding the government after 25 years in prison. The Government of India could decide on how and when the British would leave, at a time and place of their choosing.[13] Alternatively, the quick response of the movement in Kailali,[14] where they set the terms of release should be the norm.

Sometimes, a short delay might be a better strategic and tactical option, no matter how romantic the attraction evoked by appeals to powerful primordial archetypes and symbols such as freedom might be. Things certainly become worse before they become better, but some foresight can definitely mitigate the damage.

Lack of foresight: Backlash

Those intimately involved with the campaign were clear that their duty was to bring the inhuman practice to the notice of the government and civil society. They were not apologetic about the ensuing hardship arguing, correctly, that rehabilitation was the duty of the government. The poor rehabilitation and conditions getting worse for the liberated are certainly black spots in an otherwise spectacular campaign with dramatic success.

When the slaves in the US were liberated, they had the same problem. Closer home, the liberation of India from the British led to the horrible carnage of the partition. There are even lessons from within the development sector. When the child labour produced goods of South Asia were boycotted by the west, many of these children were thrown into the street and even had to become sex workers. The need to prepare for victory is therefore self-evident. Here lies the single biggest failure of the leadership and supporters. While it is excusable in the grassroots leadership, who were in the thick of battle, it is inexcusable in their supporters, who had the luxury of being once removed from the hurly burly nitty-gritty and therefore should have the foresight to feed strategic input.

Excuses that the government is staffed by the ex-Kamaiya holders who obstructed rehabilitation out of meanness does not wash, since it is again a pattern of history that the oppressors hold dominant positions in the state machinery. It could have, and should have, been anticipated.

Lack of foresight: Programmes and agendas

Questions of civil society involvement can be raised right from the WHO programme for the eradication of malaria. Since the Tharu—

the indigenous people of the area—were comparatively more immune to malaria, it was not needed for them. Then whose agenda was malaria eradication? Did it have the informed consent of the Tharu? Was it on their agenda? Whose priority was it? Should the Tharu have been somehow prepared, or given special protection? If so, how could that have been done?

CSOs, which often have 'programmes' that invariably focus the people on services rather than challenge the fundamental power structures, would do well to mull over this, as also the related question of whether their present programmes are not more of the same.

Two kinds of Pahariya went to Tharuwan: the poor, who were economic refugees, and the rich, who were the economic opportunists. Was exporting the poor to Tharuwan the right thing to do? Was the ethnic swamping of the Tharu by economic opportunists totally an unintended consequence? Or was it the real objective? Evidence from other parts of South Asia show that such altruistic programmes are often fig-leaves for ethnic swamping.

It is nobody's case that all the non-Tharu be evicted now, or that the non-Tharu living there without immunity to malaria then should have been left defenceless. Justice demands that the total displacement and slavery of the Tharu by migrants be reversed, and the Tharu be given adequate land to live a life with dignity—at least as much land as the immigrants were given by the government: 4.5 bigha of land each.

Continuing project attitudes

A project attitude is one that sees values and practice as different, relegated to discrete compartments. Policies of many INGOs now incorporate mandatory human rights standards of behaviour for their staff. These however are not strictly enforced in many cases. Child labour is currently present within CSO staff. If the 'human rights-based approach' was truly internalised, these sorts of human rights violations would not take place within organisations—whether there was explicit policy or not.

The consequence of immediate concern for the movement was that rehabilitation became project based, with CSOs retreating behind their institutional boundaries and the resultant chaos in rehabilitation. Some of the CSOs' credit grabbing, lack of coordination, designing projects according to donor priorities… all stem from the inability to put the people, their vision and their needs at the centre.

There is a need for an attitudinal change from a project mindset to a social justice, human rights framework.

Projectised movement

A key rule in movements is that the most vulnerable, and certainly the affected themselves, set the pace and agenda. The rule helps minimise risk and conflict, since those actually living with the system are the best assessors of the inherent risks. Given that the Kamaiya could hardly move out of the orbit of their lords, often working from early in the morning to late at night, it was a difficult rule to follow. But disregarding this cardinal rule was to have many unintended consequences, chief among them being the death of children after liberation. A heavy cost to pay.

International supporters and CSOs had better access to power and could determine how the issue was framed and addressed. Outsiders defining the contours had grave consequences. What the Kamaiya needed, what the problem was—all was articulated by the same exploiting class. It is well meaning people from the same class and mindset—from the donors and CSOs—who designed the 'development' programmes right at the initial stages. The programmes neither challenged the system of exploitation nor held the Kamaiya lords responsible for breaking the law.

In a telling critique of goal setting and priorities, even the pace was decided by the non-Kamaiya. During a Participatory Rural Appraisal [PRA][15] exercise in 1997, the Kamaiya identified their priority issues. Liberation was not the top priority. The priority of a majority was to get some land to build a house of their own, and some land to till. Liberation came second, followed by health facilities, drinking water and irrigation and finally facilities for education.

Even after the shift to HRBA and a campaign, it was not much different. The 'movement' was led by 'civil society'. It grew out of development projects, often in partnership with INGOs. This led to the movement having certain unique characteristics, some of them not so desirable. This social characteristic made it into a welfare movement, rather than a social justice or human rights-based movement for the restitution of justice. It was, at best, a liberal democratic movement.

The 'project' nature of the movement uprooted it from the social milieu at least partially, for it acquired certain CSO characteristics. While the Kamaiya got attention, and rightfully so, this resulted in resentment from other groups that, also rightfully so, felt that they were neglected. This resentment continued even in the post-liberation rehabilitation phase, leading to increased conflict, less understanding and little accommodation.

Moreover, the movement that was actually part of the larger peasant movement of Nepal—part of a continuum whose history can be traced at least a couple of centuries—could effectively be uprooted from the very continuum that gave it sustenance. Though the political and trade union movements did try to keep it a part of the continuum, they were not as successful.

Socio-political disconnect

Social movements need to be rooted in the local reality. They gather momentum in direct proportion to their alliances. These alliances are painstakingly negotiated political spaces with definite agreements on the relative strengths and needs of each of the movements. This negotiation leads to strategic choices, and to a great degree of solidarity.

Due to lack of farsightedness, this form of organic alliance building did not take place. Even those that earlier existed, such as during the Kanara Andolan, broke down. The lessons learnt by other movements did not feed into this one adequately or early enough. When the liberation was declared and the land was allotted for rehabilitation, these lacunae exploded into the open with the

Sukumbasi and the liberated Kamaiya being in conflict over the same land. If the logical alliance between the Sukumbasi and Kamaiya was in place, then the identification of land would be better and conflict between them could have been avoided.

A greater respect for the views of the Kamaiya, and greater confidence in them, would have led to a different kind of articulation as this statement from an ex-Kamaiya shows:

If the government intends to give us just one or two katta of land and tell us that we should bring up our children with such a tiny patch of land, then our submission is: let them try to manage the upbringing of their own children on that land. If they can, we will gladly accept two katta of land. But if the upbringing of their children is not possible, then how can we bring up our children?

The landlord thinks this land belongs to him. In the past I also thought it belonged to him. But now I think this land belongs to me.

Laptan Dagaura, ex-Kamaiya[16]

For this to happen, the Kamaiya liberation movement needs to be an intrinsic part of the larger political movement of the country. However, due to the composition of the supporters and the relative weakness of the Tharu—and the destruction of their indigenous socio-political structure—the Kamaiya liberation movement largely moved at the pace of its supporters, and not of the Tharu. It has thus been uprooted from its peasant movement origins, and even distanced from its trade union support. This has weakened not only the Tharu and Kamaiya movements, but also the trade union and peasant movements—notably the Kanara Andolan.[17]

Lack of justice

No one, not even the government or the landlords, claim that the land belonged to anyone, but the Tharu before 1950. Therefore, the logical 'rehabilitation' process would be to rehabilitate the landlords in five katta of land each and return the rest of the land to the indigenous Tharu. However, this is beyond the imagination of the dominant caste-class do-gooders. The ex-Kamaiya and the Tharu are denied their ethnicity, and their territory. With the CPN [M] revolutionaries publishing[18] their ethnicity-based map, which has Tharuwan as one of the seven ethnic states and two autonomous regions of Nepal, and appointing a government, this rightful territorial claim of the Tharu will get greater attention. An HRBA would have such land restoration among its earliest goals. Perhaps the best illustration of this mindset, even among the liberated Tharu, is seen in terming Tharu repossession of their land from 17 January 2001 as a 'land grabbing campaign' by their civil society colleagues, supporters, and most importantly even by themselves, rather than land *restoration*.

Political leanings of key players

The Nepali Congress people thought I was a communist because I always spoke of the poor. The communists thought I was a Congressman because we spoke of constitutional remedies.

Dilli Chaudhary, BASE[19]

The impact of the political leanings of key players on the ebbs and flows of the movement has been largely ignored.

The reason Chairman Santa Bahadur Karki of Geta VDC accepted the petition was that he was a member of the CPN–UML, which was sympathetic to the issue. In fact, INSEC, GRINSO and GEFONT too are perceived to be ideologically progressive. It is this connection with the CPN–UML that was instrumental in the party's long association with the movement. Some of the resistance to accept the petition could be because BASE was perceived to be closer to the Nepali Congress, while the CPN–UML was dominant in the local administration. In the parliament, the Nepali Congress was the ruling party, while the CPN–UML was in the opposition.

Of course, perception is subjective and is sometimes at variance with reality, though there could be broad ideological similarities. Despite public perception, the GRINSO training centre was destroyed by the CPN [M]. AAN staff were kept in police custody for being

'Maoists' because they organised the Kamaiya, and were threatened by the CPN [M] for disrupting their Maoist movement!

International support

The issue had a lot of international support, which was critical both before and after the declaration of liberation. The links between Bhoomi Sena, Vivek Pandit and BASE have already been mentioned. Cadre of Bhoomi Sena even worked with BASE during the movement.

Swami Agnivesh, the fiery Indian crusader against bonded labour, was also associated with the movement at different times. Swami Agnivesh was the advisor to GRINSO Nepal at that time. He came to Nepal to attend the meeting of GRINSO, during the peak of the movement. He visited the GRINSO field office at Pratappur, Kailali where an interaction programme was organised. After his return to Kathmandu, he expressed his deep concern over the Kamaiya system.

Ms Claire Short, Minister for International Development, UK, the British Ambassador, and DFID officials visited the CCS project area in Hasuliya, Kailali in November 1998. As a minister responsible for international development assistance, she came to observe the programmes funded by DFID. She interacted with the Kamaiya and expressed deep concern about the Kamaiya system through the media. She called for its immediate abolition, and raised the issue in the British Parliament. The impact of the visit was very exciting in terms of raising the Kamaiya issue at the international level, but at the same time, it also raised people's expectations.

Anti-Slavery International and INSEC started raising this issue in the United Nations. The issue was raised in the British Parliament. Ex-US President James Earl Carter wrote a letter to the government on freeing the Kamaiya. This support and solidarity was in addition to the networks and links of the INGOs.

In January 2000, a delegation comprising the Earl of Sandwich, MP of the House of Lords, UK,[20] Swami Agnivesh, Dr Kevin Bales of the

University of Surrey and two experts from Pakistan and Japan visited Nepal. The visit was sponsored by Anti-Slavery International and the Westminster Foundation for Democracy and organised by INSEC. They visited the prime minister, leader of the Opposition Madhav Kumar Nepal, the speaker, the chairman of the national assembly and the chief justice. The delegation had wide media coverage, nationally and internationally through agencies such as the BBC World Service.

A delegation from Anti-Slavery International London visited Nepal couple of times and interacted with relevant government and non-government officials for a speedy rehabilitation process. A delegation from the Carter Centre and Forefront International visited Nepal to understand the situation of the ex-Kamaiya. The delegation met with the deputy prime minister and other leaders, government officials, NGOs and visited different camps. The delegation handed over a letter from ex-US President Carter to the prime minister and the King of Nepal for speedy rehabilitation. A delegation from Global Youth Connect visited Nepal, met the government, non-government agencies and others, and was involved in relief assistance and rehabilitation. They visited different ex-Kamaiya settlement areas. The delegation wrote a letter to the prime minister requesting speedy rehabilitation and implementation of the minimum wage policy.[21]

This international support was the cause of some controversy too.

Before the intervention of BASE everything was OK.... American dollars started the Kamaiya movement.

Shiva Raj Pant[22]

There was widespread impression that the liberation was fuelled with external resources, and not rooted within the nation. As late as February 2003, Minister for Land Reforms and Management Badri Narayan Basnet could claim that rupees three billion had come into the country in the name of the Kamaiya, implying that it was misused.

An alliance of convenience

Within the KCG, different activities were carried out simultaneously. Timing and tactics were a matter of intense discussion. Multiple strands of action at multiple levels were pursued at different times. The support for filing the cases, and the timing, were not unanimous.

KCG and, by extension, KMAPS and the movement itself had many different points of view internally. It was not, by far, a 'monolith' either in terms of composition, ideological, strategic or tactical perspective or even in terms of agenda. Some wanted Kamaiya liberation, some wanted to work within the system to make it better. These translated into institutional boundaries of action.

Some in the KCG felt that advocacy could be done only by a disinterested third party. Others felt that it should be done directly by the victims. They felt that the victims should be educated because if the victims don't understand why they are oppressed, and others raise the issue, then there could be a backlash. Only when the victims show their concern can others join them and express solidarity.

Normally, a joint struggle builds solidarity. The fact that the group became defunct so soon, with little coordination, is a pointer to the opportunism and temporary congruence of interests rather than a broad based alliance, no matter how amorphous.

Many felt that the KCG was a 'talking shop', 'too academic'[23] and was reformist at best. It did not even have a common code of conduct. Apart from the lack of a common code of conduct, there was no accountability or transparency of the KCG members to the community. This led to a lot of avoidable suspicion that the CSOs were getting a lot of money that the Kamaiya knew nothing about. The Kamaiya were naturally angry about it. After declaration, unity collapsed, and all organisations worked on rehabilitation separately and independently according to their funds and programmes for rehabilitation. This led to intra-KMAPS suspicion, and final collapse of united CSO effort.

Organisational concerns[24]

Commitment

Liberation, movements, human rights... are serious concerns, and not to be embarked on lightly. There needs to be clarity on the issue and commitment to work with the affected people up to the end—in this case the Kamaiya—right up to rebuilding their community. This commitment would include working around institutional limitations to make significant organisational changes needed in systems and personnel.

Those involved were united in agreement that the status quo should not be allowed to continue. They worked around the institutional limitations and could transform these same limitations into windows of opportunity for solidarity. An example is SC–US, which has neither a mandate to support a movement nor to work with the Kamaiya as such. However, they did have the mandate to work with children—which they used brilliantly to touch the lives of the Kamaiya children and then expanded to support the movement.

Rebuilding communities involves many different stages, with different support being required at different times. Only a commitment to the final goal will help navigate these changed roles.

Focus

A broad perspective, coupled with a focussed intervention is needed. It is better to focus on a limited number of specific issues. Given the complexity of poverty eradication, AAN found it difficult to narrow focus on a few specific, concrete issues. Broad focus reduces effectiveness and success. Identifying one or two specific issues is important. While focusing on specific issues may seem so narrow as to be ineffective, advocacy efforts cannot be designed around broad themes.

Legitimacy: Walk the talk

The practice of CSO staff keeping Kamaiya was banned by a formal circular and policies by AAN before the system was abolished by the government. It was a not-so-subtle move, which carried with it the threat of cancellation of monetary support to those NGOs whose staff kept Kamaiya. Though an unpopular move, this non-negotiable 'reform' within insured legitimacy. Neither the state nor anyone else could delegitimise the liberation movement by pointing out to the prevalence of the system within the support group.

Organisational culture changes

Advocacy work requires a flexible, responsive working culture if it is to flourish. Compared to project-oriented work, advocacy efforts change quickly and require quick decisions, periods of intensive work and frequent travel. The implications of different pace and cycles affect a wide range of staff [not just those with specific advocacy roles] and systems. Many areas—from the broad to very specific—need to be reviewed with these changes in mind including the strategic planning process and work plan development, staff recruitment, office hours and leave policies, accounting procedures, and support staffing expectations.

Traditional rigid, hierarchical decision-making structures must be adjusted. As decisions often must be taken quickly and outside of the office, it is critical that appropriate staff are given reasonable authority to take decisions regarding policy and funding.

Advocacy work requires a deep personal commitment to the issues among staff and sees the work as more than 'just a job.' It is important to hire staff with these expectations and working styles in mind. Additionally, it is critical to ensure that there are no conflicts of interest among staff and staff/board of partner NGOs.

HRBA demands more collaborative teamwork when compared to project or research efforts. Research must be designed with specific advocacy purposes in mind. Policy research is not the appropriate way to identify issues, but it can support advocacy work once issues are identified by the grassroots.

Changing relationships

HRBA involves changing partner NGOs' relationship to people and people's relationships with partner NGOs. The shift from service delivery to HRBA fundamentally alters the relationship between partner NGOs and the community and vice versa. The service delivery relationship model of 'giver' and 'receiver' is not appropriate.

However, it is very difficult for both parties to shift this pattern because previous interaction with communities was based on their 'lack of power' and 'lack of resources.' The HRBA process challenges people to use their existing power and resources–however limited—to demand what is rightfully theirs. The process must address and support this change if it is to take root.

Managing Change: Not all will shift towards HRBA

Not all organisations and staff can shift towards advocacy, but all can shift towards HRBA. Realistically, not all organisations have leaders—recognized or unrecognized—who are capable of supporting the shift towards advocacy. While developing a full understanding of the approach and the skills certainly takes time, it may not be efficient or appropriate for all organisations to incorporate advocacy.

Working on a positive agenda, it becomes easy to work on the core competencies of each organisation without competition. At the same time, we can have realistic expectations. For instance, the government cannot lead a movement—as recommended by MoLRM[25]—no matter how romantic participating in a movement seems.

It is not necessary either. Each can work on their strengths, enlisting others when needed. GTZ was not even present during the liberation movement. Yet it is doing yeoman's service during the liberation phase. Rights-based organisations can help here by enabling the relief organisations' work within the mandate set by the organisations of the ex-Kamaiya.

Working within this mandate will be a surprise to the relief and rehabilitation organisations, but will help them to provide better services and rehabilitation. This is essential since these agencies work on the 'I give, you take' model, rather than the support and solidarity model which has a relatively more egalitarian ethos.

The key objective is to enable the ex-Kamaiya take control over their lives, not only build houses or deliver services through a process that could foster dependency.

Successful movements expand

Successful efforts expand and grow, often beyond the geographical and project boundaries in which they began. Unlike service delivery projects, efforts to restore social justice can rarely be organised neatly within territorial or project boundaries. Although efforts may initially be launched in specific projects, growth in demand and interest should be anticipated.

They grow beyond 'partners' and NGOs. In this case, KCG and KMAPS included NGOs, INGOs and trade unions—most of which were not AAN project partners. AAN partners which had strategised for about a year and a half, had been preparing the petitions. When the petitions were filed, it was broadcast by the BBC.

Even the composition and location of the circle of supporters expands. In this movement, it became an international network of supporters that spanned the globe.

Risk is inherent

Challenging the current exploitative power structure necessarily involves risk and confrontation as the powerful rarely give up power. Some AAN staff were arrested and kept in police custody for their role in the Singha Durbar gherau.

Organisations or individuals not willing to face risk and confrontation should not initiate human rights-based work. Initiating activities only to withdraw when difficulties arise is a waste of time and resources, destroys the hope of the people, and puts people at risk.

Financial support

CSOs often give financial support to campaigns, either directly or indirectly. This has been a source of intense debate and controversy right across the globe. Apart from the legitimate concerns of uprooting the movement, there arises the question of 'more is better'.

The financial systems of CSOs are not geared towards campaigns and movements. Innovations such as the Dalo are rare. This means that the financial support has to be rather rigid for predetermined programmes—virtually impossible in a fast moving campaign.

Next comes the issue of 'more is better'. For a campaign, an HRBA with more advocacy and less financial support works better. The financial support should be strategic, for action outside the local level. For all others, people power should be mobilised to demand services directly from the government. Creation of this community demand system from the state is the only insurance for continued sustainability of the community in the long-term.

However, INGO staff have to justify their dollar-based salaries in proportion to the actual funds disbursed. So they keep pushing more funds on to 'successful' projects—killing, or at least severely damaging, them in the process.

Financial systems

The systems for relief are very different from systems for a campaign. Systems for social reconstruction are different from both of them. It is difficult to get 'the lowest quotation' during emergencies when people are dying. Campaign groups always lose out monetarily in such circumstances unless they work with specialist relief and rehabilitation agencies.

Activists argue, correctly, that they cannot follow the existing financial systems during movements and refuse to comply. These systems would kill the movement. However, campaigns and movements need financial systems of *higher* accountability than the normal orthodox system. Movements need *different* financial systems, with different procedures of accountability and transparency. Since these systems are different, and rather unorthodox, their claim to legitimacy lies in extra transparency. It is only these that saves a movement from allegations of corruption, financial or otherwise, that are normally thrown at every movement, including the Kamaiya liberation movement.

SC–US and AAN commissioned an audit in the background of allegations of corruption and mismanagement. The review did point to many procedural lapses—such as not getting quotations for large purchases. Most of the 'lapses' recorded were due to the emergency needs of the displaced Kamaiya. Neither BASE nor the other organisations had systems for handling emergencies on such a large scale at short notice.

Being a campaign centric activist organisation, BASE did not have a full time accountant. The person responsible for financial management in BASE did not even have an accounts background, with little training in bookkeeping or accounting. The review of KMAPS accounts found that KMAPS, and other local NGOs had received rupees 13,357,596.98 for the rehabilitation of the ex-Kamaiya. Of this, rupees 13,342,495.10 was disbursed. The review found that 'disbursements not adequately supported, unreasonable' amounted to rupees 299,498.54 in aggregate.[26] To keep matters in perspective, the amount is less than 2.25 percent of the money spent. This is even if the explanations that BASE subsequently provided are totally discounted.

Even so, KMAPS practically ceased to exist. It was an unfortunate fallout of a system of collaboration that shared information on programmes and ideas, but none on finance. Networks fall apart on issues of cost, control and credit. Almost everyone feels they bear the cost and others get the credit and control.

When working together, the entire budget of the organisation needs to be shared with the entire supporter base at formal meetings of representatives. This sharing, when done at all now, is limited to portions of the budget directly linked to the issue in question. However, that gives a distorted picture, since the issue would be a very minor part of the total organisation budget, and many items—such as the remuneration to organisation staff engaged in campaign support—would be buried under different budget lines.

Unless there is *organisational* transparency, networks are bound to collapse. This sharing needs to be at fixed intervals, preferably monthly.

The balance sheet should be audited every quarter. There needs to be downstream transparency—meaning to the Kamaiya themselves.

Movements need flexible and dynamic systems that enable it to respond quickly, not get bogged down in red tape. Financial systems are no exception. During this movement, plain paper bills were passed by AAN. It was an institutional nightmare, but made possible by people of impeccable integrity who were willing to stick their necks out. When commitment to values outgrew commitment to procedure, people remembered that systems are built to support development and human rights, not the other way around. They did not try to make the campaign fit into straitjacketed institutional procedure. It then became possible to make the institution support the campaign.

Lessons in advocacy

Vision

People need their dignity first and foremost

The most important role is in helping to restore the dignity of marginalised people. The work of the emerging movements in Nepal, as well as those around the world, demonstrates that psychological oppression is the greatest problem these communities face.

Robbed of their dignity and confidence, efforts to fight for their rights and improve their lives seem impossible. Although delivering critical services helps sustain life, it does not restore the dignity and self-respect the way rights-based projects can.

Attack the system, not the person

It [the meeting in Bardiya] was initiated by the Kamaiya Andolan Kamiti. We lobbied the CDO and he called the meeting. This was not possible in Kailali [what happened in Bardiya] because there they did not get support from the small landholders. In Bardiya we managed to get support form the small landholders.

In Kailali, instead of targeting the exploitative system, they attacked a single person. Like Shiva Raj Pant was villainised. It is not necessary in a movement.

Prakash Kaffle[27]

The fact[28] that most Kamaiya were not treated badly, and none were treated badly all the time, leads us to acknowledge that there were many 'good' Kamaiya lords. Some even visited the ex-Kamaiya in the camps to enquire about their well-being. Others exemplified humane behaviour both before and after liberation.[29] The lesson here is that the focus of reform should be the people involved—from the Kamaiya to the Kamaiya lord—and the target should be the system. Individuals or communities should not be the target of anger, no matter how justified.

Movements and campaigns are often intensive and passionate. It is difficult to be 'neutral' about a movement, however fleeting one's involvement or knowledge about it is. The prime responsibility to behave in the highest tradition of human rights lies with the governing elite.

However, the difficult and unenviable, task of the leaders of the movement and of society is to ensure that the debate is kept at a level of decency and responsibility. The movement should not destroy the social fabric. The slogans should be positive, not negative or against other sections. Apart from being against the spirit of human rights—dignity for all at all times—it is even a tactical error. Negative mobilisation alienates even 'moderate' sections.

The positioning of the Kamaiya liberation movement as one for 'justice' against 'slavery' certainly helped in mobilising broad based support. In certain areas, the gains of this positive positioning were lost because of targeting individuals. Relationship with the landlords and locals took a downturn.

The stronger the movement, the greater the passion the greater the conflict. At these times, the leadership must exercise abundant caution. It is at these emotion-filled times that there is a need for moderation. Strong reconciliation mechanisms need to be inbuilt into movements, or put in place soon afterwards. The movement should continue to mount pressure to implement the law, but it should 'cease hostilities' immediately on attaining the objective.

While this may seem to be utopian, it has been accomplished in seemingly 'impossible' situations. The Indian Independence movement insisted that 'the British must leave as friends' and the anti-Apartheid struggle of South Africa took great care to address the hurt and suspicion of both sides by establishing the 'Truth and Reconciliation Commission'. Significantly, they remain the two prominent examples of continuing democracy and strong institutions. Most others who chose armed struggle in similar situations drifted into martial law.

Long-term vision and planning is critical

According to most reports, the campaign leaders could not plan beyond the initial stage of filing the petitions. While the best laid plans change, many elements of the campaign that could have been anticipated were not: such as the quick alliance between the large landlords and small farmers and media attacks. With better planning, campaign leaders could have responded and reacted more nimbly, neutralizing or even using the attacks to their advantage.

Advance planning would have benefited the early stages of the movement. Perhaps more importantly, the organisers did not articulate a vision or goal beyond the petition campaign. Unlike a project, a human rights-based campaign needs to be tied to a larger vision of change. Without this vision, supporters tend to become tired and disillusioned quickly in the face of fierce opposition.

A long-term vision and plan regarding ex-Kamaiya rehabilitation and their sustainability was lacking. The government and supporting agencies limited their work and involvement only to rehabilitating them at subsistence levels, such as five katta of land, house, drinking water and education for their children. The income generation programmes were too scattered and not strategically planned. Having all these things, the extreme poverty can be addressed or alleviated, but not eradicated. By all accounts, even five katta of land can at best support their food needs for six to eight months.

Some questions that need to be asked are: Where do we want them? What kind of short- and long-term programmes do we need to alleviate and eradicate their poverty? The answer is already within the government precedents. When rehabilitating those affected by natural disasters in the 1960s, the government gave them 4.5 bigha of land each, plus grain and ghee. When taking land from the Tharu for their caste-men, the government had no qualms. Then why the hesitation when it comes to returning the land—even unused land?

Well within the government understanding is that land distribution is only the first step. There is need for other capital investment. After getting the land, there is a time lag of about six months for the land to produce. Apart from the input—such as seeds—support is required for the families till such time as the land can support them.

Develop a people's organisation

The Kamaiya were working from dawn to dusk and beyond. Expecting a Kamaiya organisation was probably utopian. Though on 4 July 2000 itself Raj Dev Chaudhary—one of the Geta 19—was made the leader of the 11-member Kamaiya Andolan Kamiti at a meeting of Kamaiya in Dhangadhi, the momentum and visibility had already vested with others.

The absence of any independent, Kamaiya-led organisation weakened the liberation movement. The petitioners were led by numerous organisations and there was no representative body of the Kamaiya in a position to negotiate or lead. This created confusion and left the movement somewhat lacking in clear leadership. Additionally, it left the movement open to charges that it was NGO dominated and controlled.

The rule that victims must lead and decide, and others must only provide support, is to ensure long-term sustainability. It builds their capacity and leadership. They can pressure the government even in the long-term, after CSOs and external support is withdrawn. The issues of importance to them will be given priority, at their pace.

If political parties lead, the issue is politicised and they are used as a vote bank by the different political formations. If CSOs lead, then it is attacked and delegitimised. Others take the credit and use for fundraising. Moreover, CSOs have to function within constitutional and project boundaries. This time Kamaiya leadership was not strong enough. So, there was no financial transparency either.

Every alliance requires a leader, an individual or collective that is willing to act to move an issue forward. For the Kamaiya liberation campaign, the question was, 'Who is the leader, and who sets the agenda of this movement?' Ideally, the answer should be 'the Kamaiya themselves'. Unfortunately, it was not so. There was no organisational structure in place to represent the Kamaiya themselves and to bring forth Kamaiya leaders at the national level. Given this gap, there was no way to reach a consensus among the petitioners, making the leader and negotiator ultimately unclear. For this reason, the concerns that NGOs controlled the process were not entirely unfounded.

Legitimacy: The question of representation

One of the most difficult choices before a movement is the question of leadership and representation. Where the 'victims' themselves cannot speak, certainly their supporters must. But where they can, the supporters must gracefully step aside. It is the duty of the supporters to ensure that the 'victims' have the capacity to represent themselves in all arenas as soon as possible.

BASE being Tharu-led, and with its Tharu origins and orientation, was possibly the best choice. The personal experience of Dilli, whose both parents were Kamaiya, who had lost land due to cheating by a Brahmin Pahariya landlord gave him a lot of legitimacy. Being imprisoned for working for Tharu uplift possibly sealed the question.

The unanimous selection of BASE as the chair of KMAPS shows the maturity of the other organisations. In a culture steeped in respect for and deference to age, this was a major gesture since Dilli was only 30 in 2000. The willingness to look beyond personalities, to the actual field presence of organisations—BASE worked in all the districts and had about 800 staff and 85,000 members—and composition is a rare demonstration of putting the cause above the individual interest.

'Know your enemy'

When getting into the campaign, strategists need to know the mind and counter-moves of the adversary. SWOT analysis is for the self and the external environment, covering all stakeholders and the relative power of each. Knowing this enables the movement to pick the battles it can win, and isolate the ones it cannot. Such preparation allows for appropriate counter-measures, readiness to face any eventuality, and measured response. In the liberation campaign, it was imperative to know the strategies of the government and the landlords. Despite the exercises done by INSEC and Pandit, strategising based on careful analysis of the external social groups was not as rigorous as it should have been.

The government and the landlords tried to discredit the movement by drawing attention to the 'dollars that are coming in', and that it was 'not really Kamaiya' who were leading or participating in the movement. The movement did not have an appropriate response to either question even at the end of the campaign. This allowed the impression of 'great funding' even among the Kamaiya, leading to frustration. Even the fact of Tharu, ex-Kamaiya and Kamaiya involvement, mobilisation and leadership at the grassroots—in contrast to the high visibility of CSOs in the district headquarters, and INGOs from a Kathmandu centric perspective—remains unknown. An AAN study[30] shows that most people [57.1 percent] came into the movement through their peers and a quarter [25.9 percent] joined on their own. This means that fully 83 percent of the mobilisation at the grassroots was without INGO or NGO or political party intervention—clearly at variance with general perception and received wisdom.

Insufficient analysis and preparation allowed the landlords to organise the middle farmers and take out mass rallies against the movement with tacit government support. This should have been foreseen, and the small and middle farmers should have been classified as fence sitters and potential allies. They could have been a substantial reservoir of supporters if the movement had built links with them. Even after the movement, they could have provided work for the liberated ex-Kamaiya. At the very least, it would deprive the landlords of support.

Stakeholder analysis glossed over the nature of the state and social power structures in Nepal. Those in power seldom act against their interests unless forced with a greater loss of power without a minor concession. In the parliament and ministries, in local governments, in VDCs, in DDCs, and even in the SSSA, the officials had Kamaiya. Obviously, they would not have commitment to liberation or rehabilitation. With analysis and planning, appropriate counter measures and systems could have been in place. For instance, in this case a strong monitoring mechanism and political pressure to get the state to act was needed and could have been created.

Be active not passive

In the beginning of the process, attempts to influence government officials and policy-makers were ineffective because they were passive, there was insufficient countervailing power and little momentum. Indirect efforts such as offering input to government and non-government agencies in various forums was the primary tactic. However, influence increased as personal contacts and relationships with key elected officials and decision-makers were developed. A detailed understanding of the legislative, legal and policy processes and decision-making structures facilitated these efforts.

Training

Workshops and seminars

Training workshops can play a critical role in inspiring participants and presenting a broad overview of the concepts and approaches.

However, training workshops alone cannot sufficiently prepare staff or partner NGOs. An individual's previous experience, motivation and natural talent are all critical determinants of a workshop's effect. The same workshop series inspired some to begin to shift their approach, but didn't demonstrably affect the workings of others. At the same time, some staff who did not attend the workshops became some of the most adept practitioners.

Continuous capacity building

People learn skills at the workshop, but skills are honed through direct experience, observation, study and reflection, site visits, and peer support. Training and other opportunities to develop staff capacity must be ongoing and responsive. Customised training to meet specific needs of the individual and the evolving external situation are required. Regular coaching and strategising opportunities are needed.

Although AAN addressed the need for additional skill building and coaching by arranging for Pandit to work with regional managers and Policy Research and Advocacy Department [PRAD] staff, his distance prevented frequent visits and contact. Staffing should be designed to ensure that staff can provide frequent and hands-on coaching and planning as needed for the grassroots.

Site visits to existing advocacy organisations are excellent avenues for motivation, skill enhancement and deeper understanding. Those who visited Pandit's organisations and interacted with the staff in India saw advocacy organisations in action. It was an effective way to make many elements of advocacy work concrete and clear.

BASE had a decades-long association with Pandit and Kallu Ram Dodate of Bhoomi Sena. Have seen the work of these organisations first hand in India, being with them for a month as a standard induction for new staff and then working shoulder to shoulder with them in Nepal itself gave an entirely new meaning to 'learning on the job', 'solidarity' and 'continuous capacity building'.

Outside experts

Involving experienced advocacy professionals and organisations from the beginning helps in the process—training, redefining staff roles and structures, and strategic planning. Vivek Pandit, Swami Agnivesh and Anti-Slavery International all helped in sharpening vision and solidarity because they had both conceptual understanding and practical experience. Experts with this combination can help further impart concepts and illustrate their concrete relevance and applicability. The training conducted by Indian activists marked a turning point in the understanding and capacity to practise.

Additionally, outside experts can see needs and weaknesses objectively and offer honest feedback more easily than can staff. They can think outside the box, seeing new opportunities beyond group think. During Pandit's visits to the field, he directly challenged NGO staff regarding the quality of their advocacy work and their commitment to the issues, forcing them to acknowledge weaknesses or excuses preventing action. The change in these same staff members was remarkable, illustrating that the direct challenge was an effective means to get them 'back on track'. It was Pandit's role as an outsider and a recognised expert that gave him the space and the leverage to talk so frankly.

Leaders make a difference

Individual leaders, rather than organisations, spark change. Though organisational support is essential, people, not organisations, create movements. Deep personal commitment and the capacity to communicate are the two most critical factors in a movement leader. Because confronting the power structure involves great risk for those oppressed, people will make this leap when led by those who have earned their trust and can communicate a clear vision of change.

Most people involved in the Kamaiya movement at the grassroots report that the strong, personal commitment of Yagya Raj made the difference. After gaining the Kamaiya's trust, he was willing to take the risk of filing the petition. No matter how much preparation is done, it takes a unique kind of person to take the first step—to cross the Rubicon. This is called the 'killer' or 'winner' instinct. Most times it is an ingrained characteristic, though it can be taught and nurtured through experience. Though adept at taking the first step, strategic skills are also required, knowing one's weaknesses and where to involve others. Yagya is one such leader. Working on his own for long and at ungodly hours when necessary, he took the Kamaiya along to file the petition. Once the breakthrough was made—many others had prepared the petitions, but had not filed them—he informed INSEC and asked them to arrange a meeting of the KCG. This was done. At a subsequent meeting at NNDSWO, the KMAPS was formed.

This was all 'instinctual' with the grace and harmony arising from a vision that is greater than oneself, which a forced or calculated programme will find difficult to match. The potent message of a central committee member of BASE, reaching out to INSEC first ensured that the two largest grassroots organisations worked in tandem. The next meeting of the KCG at a smaller NGO's office ensured that the movement was inclusive and gave importance for all. Again, although the strategy could be designed, for it to succeed it was necessary for the Kamaiya and the individuals leading them to be willing to take risks.

Creating leaders from the affected community thus gives increased access and mobilisation. The leaders need to be steeped in the culture of collective leadership and consensus, and reliance on a few 'natural' and 'charismatic' leaders need to be avoided. The more the leaders, the lesser the chance of them being bought out or targeted by the state, in addition to the obvious benefits of having a wealth of leaders in the movement. A depth in leadership ensures a democratic polity and institutional systems.

Networking

Networking to strengthen the movement

The wide variety of organisations involved and the richness in their diversity was an important contributor to liberation. There were local community level groups. Kamaiya groups were formed in each VDC.

These groups were used as a forum for all Kamaiya. A representative from each of these then worked in the Kamaiya Federation at the district level. There were district and regional level forums. Many more forums were created as required.
At the national level, the Association of International NGOs [AIN] spoke to parliamentarians, the legislature, and forged links with the national media. AIN often had representatives from the Kamaiya Federation at their meetings. The KCG was another body with national links, as were the trade unions involved.

The quick and dynamic creation of a tighter body, KMAPS was crucial in streamlining the movement. Forming committees in each district ensured that the lines of communication and coordination were smooth. Boat for Community Development was the lead agency in Dang, DOCFA/INSEC in Banke, RKJS in Bardiya, CCS in Kailali and NNSWA/GEFONT in Kanchanpur. The Shighra Kariya Sampadan Samiti[31] with five members ensured that the exigencies of a movement—with instantaneous decisions becoming necessary—were addressed democratically.

Links and support

Managing both national and regional pressure campaigns dangerously stretched resources and leadership. Without a base in Kathmandu, regional leaders were forced to divide their time between the grassroots and the capital. As a result, the two levels were not optimally coordinated.

As the regional organisations leading the campaign became stretched in leadership and resources, staff of different INGOs and NGOs with offices in Kathmandu played a crucial role in lending strategic advice and staff support to national level efforts. By offering this support, they helped regional organisations cover both arenas at once.

Convince the development community

Advocacy should influence partners and enlist new allies. All too often, it is erroneously assumed that all CSOs share the same understanding, are convinced and will act in the same way. This assumption leads to rude shocks when action is initiated. Therefore, other CSOs must be educated and included in advocacy efforts, in addition to the policy- and decision-makers. The importance and effectiveness of advocacy work must be demonstrated to the CSOs.

As many colleagues had misconceptions and apprehensions regarding advocacy work, AAN has served as a model for the larger development community. AAN's leadership influenced other organisations. More effective partnerships and alliances were the result.

Alliances have limitations

Networking is not an end in itself. Alliances sometimes stifle action as the group focuses on developing consensus. This prevents leadership from emerging. Some members look to others to take the lead, and then may or may not support the action.

For instance, the KCG dedicated time to debate and discussion. Yet the group was divided on crucial issues regarding policy, strategy and action and, as a result, could not act as a coherent body. However, once petitions were filed and the movement was underway, the organisations came together. Individuals and institutions have multiple interests in joining the forum. These interests must be addressed insofar as they don't conflict with the primary objective and core human rights.

With the growth of the campaign, the organisations and leaders faced increasing challenges. Although the large number of NGOs added strength, it also complicated matters. Each group organised their own constituency to file petitions and for the movement with little coordination and communication between them. This limitation was, in part, due to institutional limitations. Some organisations, INGOs and government agencies especially, did not have the mandate for such campaign or movement work. So KCG, which was an amorphous group, formed KMAPS—a separate committee for the Kamaiya liberation movement. KMAPS had INGOs and multilateral agencies as observers only.

Working in a joint forum is difficult for another reason: it often does not reflect the accurate field presence of those involved. Those in the forum with power are not present in the field with power. In a discussion forum, those with the best articulation skills make more space for themselves. However, they need not be in close touch with those affected, nor do they always articulate the needs and feelings of the field. Those who have agency in the field often feel stifled in forums for this reason. Systems and dynamics in the forums need to make the real issue of the people from the focal community who are often not present, or are not sufficiently articulate, visible and heard.

Transparency and openness

Everyone at each level was kept informed and linked by phone and letter. Because of the time needed to connect and pass information from the national level to people at the VDC, and vice versa, it was important that the movement thought well ahead in its plans and strategy.

With different organisations being involved, hierarchical organisation management 'need to know' principles don't work. In a relationship of equals—such as KCG, and much more in KMAPS—all want to know. Moreover, since the fundamental changes in social ordering and power relations are being attempted, transparency and openness are critical to maintain legitimacy.

After liberation, this arrangement broke down. The lack of transparency was a key reason. Once trust broke down, even a third party audit could not stop KMAPS from becoming defunct. Rehabilitation then became ad hoc, arbitrary and knee jerk, wasteful responses leading to duplication in some areas and scarcity in others. Though meetings and interaction at the top levels continued, there was a perceptible absence of coordination among different agencies working for the ex-Kamaiya.[32]

Reasons for success

The success of the Kamaiya liberation movement is often contrasted with the hurdles faced by the Dalit movement, despite Dalits being more organised internationally. The reasons can be broadly classified into six.

Visible and recent

The Kamaiya system was a clearly visible form of discrimination and could be named: 'slavery' or bonded labour. This made support for liberation quite simple for the CSOs, especially the INGOs which knew what slavery meant. The Kamaiya system has a history of only about half a century, and is a socio-economic and political phenomenon.

It is open to speculation of how much more difficult Kamaiya liberation would be if it were embedded in religion. Even within half a century, it had almost fully bound itself with Maghi, and eroded Tharu culture. If the equation had changed to *Bhuyar [or Gurubaba] has said that you must always be bonded, in this life and the next, to the Brahmin/Chhetri/Thakuri landlord*, it is a short step to inventing myths to justify it on religio-cultural grounds as has happened in other places, for instance South India. Then the liberation struggle would need to take on the religious establishment in addition to the social and economic interests. Freeing the minds of the religiously indoctrinated would be even more difficult.

As for the Dalits, the caste system is millennia old, and is rooted in the Hindu religion in the world's only Hindu state. CSOs can take on culture and tradition with caution, as they do in the demand for property rights for women. But they have to be a little more circumspect in dealing with religion. While the activists could call for the abolition of the Kamaiya system, they can hardly demand the abolition of Hindu religion, within which caste is firmly embedded.

Concentration

The Kamaiya were concentrated on five of the 75 districts of Nepal. Therefore, it was easy to play one section of the dominant [MPs from eastern Nepal] versus another [those in the west]. The Dalits, in contrast, are spread all over Nepal, and such divisions among the dominant are unlikely.

The liberation decree, significantly, left out similar bondage practices in eastern Nepal. The minister insisted that the names of other bonded labour practices be removed from the title. Only deft thinking has left loopholes in the law to address discrimination in the east. The other forms were named within the text of the law.[33] Utilizing the prevailing confusion created due to the pressure on time, these were not deleted due to 'oversight' and 'time-pressure'. They remain in the law to be used when needed.

Kamaiya unity

The relative non-stratification of the Kamaiya provided a keen sense of bonding and shared purpose. Even those technically 'free' knew that they were only 'in-between' owners. They would be bonded the moment they needed money, or when they or anyone in their family fell ill. The shared sense of vulnerability built in them solidarity and purpose.

The Dalits on the other hand are not so homogenous. There is a hierarchy of castes within the Dalits, often mirroring the very Brahmin-Hindu social ordering that they oppose. This makes it easy for the state—and CSOs—to divide Dalits. In addition, there is also economic stratification, leading to a divergence of interests between the economically better off Dalits and those not so well off.

Synchronised action

A major reason for the success of the movement is that the impact could be maximised by coordinated and synchronised action. There was presence of the movement in all the five districts in which hundreds of petitions were filed. Action was coordinated from the grassroots to international forums. The grassroots action was complemented by virtually everyone from CSOs to trade unions, to political parties helping in some way or the other.

Innovative positioning

There was a debate within the movement on how the Kamaiya system should be positioned: as a 'social evil', 'labour' issue, 'ethnic' issue...?

The positioning should be such that it can enable the maximum number of people to identify and support the movement. At the same time, it should not raise negative emotions or alienate people. Moreover, it should be context-sensitive, and not be liable for distortion by others.

It was recognised that liberation was not possible through emphasis on the social discrimination aspects of the system, though caste and hierarchical elements were clearly present. Within the Tharu, there was no social hierarchy—even their headmen were traditionally elected for a year. Gender was too ingrained to be recognised. So the economic aspect was the best to address. Moreover, the Dalits were not getting anywhere with the social dimension. If the Dalits must succeed, then they must pursue innovative action. The state already knows how to deal with the old modes of protest.

Defining the movement from a labour perspective enabled the movement to use the wealth of labour laws, both national and international.

Unacknowledged support

One of the worst kept secrets is the direct and indirect support that the CPN [M] movement gave for Kamaiya liberation. They provided the big stick that enabled the movement to talk softly. They enforced the law in letter and spirit and the terrified Kamaiya lords complied. Even the Kamaiya attendance to the awareness classes was a result of their pressure. The very presence of such a movement in the country was a sufficient threat.

These are ongoing concerns. Any tenancy movement in Nepal will need to address and take them to completion, if it is to be successful. Given that such a movement has started in parts of Nepal, these issues will come to the forefront again—sooner rather than later.

While giving credit for success to Nepali society as one being feudal trying to be democratic, it would do well to remember that without the constant background presence of the CPN [M], liberation would have been a dream for a longer time. Insufficient CPN [M] backing for the Dalit struggle impedes similar rapid progress there.

[1] Quoted in Lowe P, 2001.

[2] Communication with Ram Sharan Sedhai, AAN, during verification process.

[3] Netra Bahadur Rawal, Land Reforms Officer, Gulariya, Bardiya, 1 and 2 March 2001 in Rasmussen M L, 2002.

[4] Anon, MS Nepal, 2003.

[5] Communication with Ram Sharan Sedhai, AAN, during verification process.

[6] Former Minister for Agriculture Keshab Badal, quoted in Dhakal S, Rai J, Chemjong D, Maharjan D, Pradhan P, Maharjan J and Chaudhary S, 2000, p79.

[7] Shrestha K P, Shrestha N L, 1999, p26-28.

[8] The land, as one commentator put it, that was watered by the sweat and blood of the Kamaiya for generations.

[9] Anon, MS Nepal, 2003.

[10] Case study by Kandangwa N K, Thapa N, *Freed Kamaiya Status Report*, AAN 2001, p8 and *Annual Report 2000*, AAN 2001, p7.

[11] *The Kathmandu Post*, 20 March 2004.

[12] Quoted by Regional Manager [West] G B Adhikari, AAN in conversation with the authors, 30 April 2003.

[13] Which was on 26 January 1950, till which time the King of Britain was the King of India also, ruling through Governor Generals Lord Mountbatten and C Rajgopalachari.

[14] See the experience of Prakash Kaffle quoted on page 111.

[15] Niraula B B and Paudel M M, 1998.

[16] Lowe P, 2001.

[17] Dhakal S, Rai J, Chemjong D, Maharjan D, Pradhan P, Maharjan J and Chaudhary S, 2000, p62, 75.

[18] *Nepali Times* #186, 5-11 March 2004.

[19] In conversation with the authors, 13 March 2004.

[20] He was also a council member of Anti-Slavery International and an expert on bonded labour.

[21] Devkota B M, 2001.

[22] Quoted in Lowe P, 2001.

[23] Regional Manager [West] G B Adhikari, AAN, in conversation with the authors, 30 April 2003.

[24] This and the section on Lessons from Advocacy are edited and adapted from Boyd A, *From Principles to Practice: ActionAid Nepal's Experience in Mainstreaming Advocacy*, July 2000.

[25] Shrestha K P, Shrestha N L, 1999, p38.

[26] Satyal S, 2001, p3.

[27] Prakash Kaffle, RRN, 4 March 2001, in Rasmussen M L, 2002.

[28] Sharma S, and Thakurathi M, 1998, p54, table 4.9, p64, table 5.9.

[29] For case studies and examples see Rasmussen M L, 2002.

[30] Gurung Y B, 2003.

[31] In English: Quick Decision Committee.

[32] Devkota B M, 2001, and Kattel M R, *A Fight against the Kamaiya System: An Experience Overview*, INSEC, 2000.

[33] Kamaiya Labour [Prohibition] Act, 2002, Chapter 1.2.b.

CHAPTER 8

From ex-Kamaiya to Tharu

There is more work to be done. Some have land papers, but no land. We must work for our rights, and to implement government policy.

Vice-chairwoman Moti Devi, Central Committee, FKS[1]

The achievements of the Kamaiya liberation movement have been remarkable. Liberation makes it epochal. Apart from making the system itself illegal, it has made substantial improvement in the lives of the ex-Kamaiya. Literacy rates have doubled. Interest rates have plummeted. Over two thirds work on their own land. Almost all ex-Kamaiya have got their identification cards. Over 95 percent have land registration certificates. Seventy percent have five katta of land. Over 80 percent of the red card holders have received housing support. All have drinking water. Significantly, about a third of them participate in decision-making in both government and non-government activities.

The flip side is sobering. About a third of the ex-Kamaiya still work in the fields of others, over 90 percent of whom are sharecroppers. A little more than one percent is still not liberated. Though 70 percent has five katta of land *it is only half of what they had as Bali Bigha as Kamaiya!* Over a quarter still go hungry at least one day a month. The road to full rehabilitation is a long one, and much more needs to be done.

The road ahead is difficult, but the agenda is clear: turn the ex-Kamaiya into Tharu, into a self-sufficient, self-reliant community with dignity and self-respect.

The activists' agenda

The leaders and activists of FKS are firm that they should be the ones to identify and prioritise issues, then systematically address them. Those identified were:[2]

- More and better land. They know what they have now is barely sufficient for shelter. They need more land if they have to survive on it throughout the year.
- Identification cards for the left-out Kamaiya.
- Water.
- Education.
- Employment.
- Health services.
- Houses.

They were ready to address more complex issues. They knew that about '10,000 new cards' would be issued, and that they would have to campaign for land for these new card holders too.

They were clear that they were 'strong enough to claim land' and since they 'are now organised' they 'don't need NGO leadership'. However, they need more people and more resources.

Rehabilitation

All movements, especially those that are human rights-based, need to ensure 'delivery'. The difference is that human rights-based movements ensure that the people get these services as a right and not as charity, and in a process that is empowering. Rehabilitation needs to focus on the standards for the life with dignity of any community, not on the present standard of living of a victim.

The focus of rehabilitation standards should be the Tharu. Such a focus will ensure that their cultural sensitivities are factored in, that their future needs are met, that their skill sets are respected. If rehabilitation is for the 'bonded labourers' then the yardstick would be 'anything better than bondage' is good, and rehabilitation standards would be a relief camp. In the present case, 'anything better than bondage' has resulted in giving them just five katta of land at best. When they were Kamaiya they got Bali Bigha which was 10 katta of land. Even with that they were starving. In government's 'rehabilitation' they were given 5 katta.

The resource base required for a community to sustain itself for a life with dignity and the systems required for internal community cohesion would set the bar much higher than a relief mode. A relief mode keeps people always at subsistence or survival level. A sustainable community vision would form a part of rehabilitation only if a community and human rights standard is applied.

The issues of the ex-Kamaiya are three. Issues related to *rehabilitation* such as land, housing, drinking water, health facilities, food and education for their children or school facilities that need to be addressed immediately. *Livelihood* related issues such as income generation, skill development training and loan issue, employment, access to community forestry and irrigation can be addressed in the short- to medium-term. *Sustainability* such as special protection, access to and control over natural resources [forests, mines, rivers, and land], decision-making in all matters concerning them from development of agriculture-based enterprises to alternative power can be addressed with a medium- to long-term plan.

Liberation from poverty

Releasing Kamaiya from bondage and prohibition of the practice is the first step. An important benefit of the movement and liberation is that the terms of labour are less harsh. But the underlying causes that led to the system remain. If they continue to remain, the same system will repeat.

Poverty is a structural issue. In Nepal, it is largely due to the land holding system where the rights of the tiller are denied. Securing land rights will address poverty in a large measure. Denied land and proper rehabilitation, some worked as agricultural labourers. Others lived in absolute poverty, scarcity and distress—becoming another form of Kamaiya again.

Rehabilitation needs to be directed towards breaking the process that makes them Kamaiya again. They have to be freed from poverty, scarcity and distress. Rehabilitation is to ensure that the individuals and the community have sufficient resources and a contemporarily useful skill set to live a life with dignity.

Land

The size of landholding is a basis and measure of power in any feudal or agrarian system. In Nepal, three to six percent of the population own 40 percent of the land.[3] The basic right and survival issue of 'land for livelihood' runs smack into the feudal 'land as prestige' formulation of social organisation and ideology.

The quality and quantum of distributed land has always been a contentious issue in every peasant movement in the world. The 'core competence' of the ex-Kamaiya is farming. Given sufficient land, they can earn their livelihood. One yardstick is to use the government's own estimate and practice, when they settled the Pahariya here. Those who got land from the government in the 1960s are now 'rich'. They got 4.5 bigha each, together with provisions for the first few months.

The present settlement pattern is a disaster waiting to happen. It is based on an urban township model—many families clustered together—but without enough infrastructure for sanitation, services or employment.

Urban planning is different from town and country planning. But all are based on scientific principles. Communities need to be rehabilitated and resettled together, not as individuals. In that, the present resettlement has been in the right direction. Individuals, families, and the community need space. However, the allocation of space has not been according to acknowledged principles. Dedicated private space needs to be allotted for the individual, family and community, and some space where larger interactions would take place. There needs to be 'common space' for community activities such as ritual and recreation: festivals, dances and games. There needs to be place for grazing and death rituals, space for waste disposal and water storage. There needs to be a school and a health centre. Some space must be set apart for the natural organic growth of the community, and its future needs. There needs to be some land as buffer from the other communities and animals. There needs to be sufficient land for production. Just as urban planning allots land for offices, commercial districts and industrial estates in cities, community resettlement plans need to allot land for community centres, farms, granaries, grazing, catchments, and agro-processing in the countryside.

At present, there has been some space for the family, but none for the individual or the community. There is insufficient land for farming either. The principle for sustainable farming land is that it should be able to produce enough food for four years. The 'extra' would help in paying other costs, such as clothing and medicine, and be a buffer during lean years. There needs to be a 'common farmland' for medicinal plants and for innovation and experimental crops, where the community would try out new crops. None of this has been done. Till such time the Tharu [or ex-Kamaiya] possess a skill set that will ensure their sustenance with off-farm employment. They need 4.5 bigha of land per family, together with water and support infrastructure such as road, electricity, capital, credit and markets.

Unfortunately, the civil society supporters did not know these principles or if they knew, they were not applied. They even forgot the basics of negotiation taught by Pandit: if you have three demands, take six to the table. Similarly, if you need five bigha of land, ask for ten. They asked only for one half of one bigha, and the government gave them half of that. Denotifying and returning 'national' parks and other such appropriated land to the Tharu is one option to be seriously explored. The Tharu will take care of the land better since their life and livelihood will be intimately tied to the well-being of the ecosystem. In contrast, the government staff—whether from the army, paramilitary or forest ministry—have little to motivate them, since their 'stake' as stakeholders is limited to their monthly salaries.

MST,[4] the landless people's movement of Brazil, determined how much land would be needed *before* it started its campaign, right when it was organising the landless peasants. It teamed up with agricultural experts—only some of them from the universities—and made out a strong case why each family needs to have between 17 to 28 *hectares* of land for a life with dignity. The land would support the family, and ensure that the family had enough surplus not only for its own use, but also to support the movement. Then the movement ensured that each family got that much land in its land restoration.

The present quantum of land can scarcely support an individual, let alone a family. Supporting the movement is beyond the pale. Land distribution has been an instrument to tame the movement and ensure a pool of cheap labour. As we have mentioned before, the government knows all this. The government has done proper rehabilitation before. Nepal has sufficient land for all its citizens to live with dignity. It is up to the citizens to enforce this, and for the state to accept gracefully.

Freed Kamaiya Society

The FKS submitted a modified version of the 12-point demand charter to the Prime Minister of Nepal on 17 July 2004 [2 Shrawan 2061] with 120,000 signatures.[5]

- Distribute equal land to all freed Kamaiya instead of unequal land.
- Implement the decision of HMG, Ministry of Land Reforms and Management published in Nepal Raj Patra on 22 Bhadra 2060. According to which, they should
  - Provide cultivable agriculture land instead of, or in place of, uncultivable and unproductive land (such as sandy, stony, river banks and land prone to flooding).
  - Systematically rehabilitate freed Kamaiya by providing conflict-free and uncontested land.
  - Provide land to all freed Kamaiya who already got land ownership certificate from the concerned government office.
- Provide identity cards to freed Kamaiya who are deprived of identification and identity cards.
- Rehabilitate freed Kamaiya on the basis of one Kamaiya one identity card and rehabilitation of each.

- Rehabilitate systematically by providing land to freed Kamaiya who have got identity card, but no land or other facilities.
- Rehabilitate all freed Kamaiya as per the government record of 2052 (1994/1995 AD).
- Rehabilitate all freed Kamaiya who are identified in the second phase [those who have new identity card].
- Provide red cards to all freed Kamaiya. Do not divide freed Kamaiya into different categories.
- Rehabilitate systematically all freed Kamaiya by providing employment, education for children, health and irrigation facilities.
- Ensure representation and participation of freed Kamaiya in decision-making or policy-making bodies and in other decision processes on matters of concern to them and which concern them.
- The state must work for rehabilitation of freed Kamaiya by introducing special policies and programmes and with long-term plans for the sustainable elimination of bonded labour.
- Move forward on rehabilitation immediately by forming a high level commission having all authority to rehabilitate freed Kamaiya systematically and effectively and to implement the decisions already made by the government. The high level commission is to be formed under the leadership and representation of the freed Kamaiya.

There was a point to *'Provide timber and housing support to all freed Kamaiya'* in the earlier demand.[6] But for some reason, this is omitted in the amended demand submitted to the prime minister.

FKS is the key player to turn the ex-Kamaiya into Tharu. It is in keeping this objective as its focus that it can discharge its historic role efficiently, and evolve with the changing times. The ex-Kamaiya are relatively homogenous, face the same issues and suffer from similar problems. The issues will not be tackled unless they are empowered, organised and they enjoy their rights. Their own organisation and leadership should tackle their issues. Support to their organisation and their leadership development is very important.

Prepare for sovereignty

Just as movements must prepare for victory and revolutions to wield power, individuals must prepare for freedom, and communities for sovereignty. Every person and every community must be strong, independent and sovereign. It is the harmonious unity and interaction of such individuals and communities that make a nation strong. Weak citizens make a country weak. However, sovereignty enjoins great responsibility on individuals and communities. They need to act to preserve, promote and protect human rights. Democratic values must be socialised.

Unfortunately, in the rapid pace of external and internal developments, the movement and civil society supporters did not pay sufficient attention to inculcate democratic consciousness among the Kamaiya or the Tharu. They were not prepared attitudinally for freedom and democracy. The women are still subordinate. They still decide the fate of their children by giving them up for child labour. Internal democracy and justice are not sufficiently embedded.

When bonded, the Kamaiya had to obey the landlords who would take most decisions. After freedom, the ex-Kamaiya need to take decisions and live with its consequences. Going back to indigenous knowledge, organic farming, managing household finances, planning for the next generation are all skills that a community needs. FKS will need to work towards building a community that can take care of itself.

Link across the nation

The issues are not between the Sukumbasi and us. We have a lot in common. But the others are using the small differences to divide us. There is more that unites us than divides us.

Activists and leaders, FKS[7]

Projectising the movement has led to it being largely uprooted from the socio-political milieu. The apparent 'conflict' with the Sukumbasi is one result of this. Once the institutions become sufficiently strong, they must re-establish their peasant roots. These links will provide sufficient foresight and experience to be prepared for new challenges.

Without these links, they will have to reinvent the wheel—a costly, and unnecessary, exercise.

Linking with other movements, for instance the Sukumbasi, will help FKS remain rooted and draw on the experience of others. It will help them get the much needed solidarity that is required in community reconstruction, the critical mass to protect and preserve the gains of the movement and coordinating with allies to synchronise demands for maximum demands. Linking with the others will ensure that the non-Tharu ex-Kamaiya will not be left out in the process of identity building and social reconstruction.

The movement can share much with others. For instance, the Kamaiya liberation law is applicable throughout Nepal, and even mentions other forms of bondage by name.[8] But it is implemented only in western Nepal for liberating the Kamaiya. FKS should move beyond its ex-Kamaiya constituency, and coordinate action with activists in all the 75 districts of Nepal.

Maintain momentum

A movement must move. No movement can survive stagnation. For this, it needs wherewithal and personnel with motivation. MST has a quota for each settlement. It is natural that once a community gets land, they will need to work on it as a first priority, both for their sake and for the sake of the movement. This leads to a lull in the movement—a stagnation it can ill afford. Having dedicated cadre from settlements ensures that this does not happen. Having settlements with enough surplus to support activists makes it possible.

Revitalise Tharu culture

The traditional culture, social and administrative mechanisms of the Tharu could have been better utilised. The indigenous Tharu self-governing body Khel, was relatively democratic, though the participation of the women was not optimal. It played a crucial role in organising the Kanara Andolan, but was bypassed in the Kamaiya liberation movement. The lack of the 'Tharu' voice in the movement is in large measure due to sidelining this traditional body.

BASE, the lead organisation, was led by a Tharu, and had a membership of 85,000 Tharu. Defining the issue as one of the Tharu, little as it is, is due to the presence of BASE. However, BASE is organised more on union principles, with village, area, district and central committees, though decentralised. INSEC on the other hand defines it as a bonded labour issue—due to its origins in the trade union movement. Though BASE does work on the cultural aspects, that have not yet come to the forefront.

The importance of the Khel will be in direct proportion to the road travelled in actual restitution of justice—returning Tharu land to the Tharu. The reverse can be assumed with confidence: if this body is not revived and given importance, it exposes the welfare and charity agenda of the movement. It is noteworthy that Dumrigaon, the predecessor of BASE, itself was born at the Khel meeting in the January 1985 Maghi festival.

Because of this, the new generation of the Tharu sees some of their cultural practices, such as inviting as many people as possible for festivals and weddings, to be a wasteful expense.[9] The expenses are doubled since they now practise the Tharu festivals and the Hindu festivals—which they had to do when they were Kamaiya.[10] It is many decades now that their great summer festival Barkhanach, or Daljanach or Taluwarnach have been celebrated. Even Maghi, which used to be celebrated for nine days, is now observed only for four.[11] Reviving and rejuvenating these would be an important step in their empowerment.

This rejection of their culture—which even results in rejecting eco-friendly practices such as organic farming and pest management—is more an indication of alienation of the youth from their culture and imbibing the values of the dominant culture, than an accurate evaluation of the reasons for their poverty. The Tharu indigenous knowledge regarding birth control and malaria is so effective that even others adopt it[12]—yet the youth shun it.

The elaborate feasts are a form of social security, so that when help is required they can call on the same extended social security net. In the dominant culture, the equivalent is the extended links of insurance. Not knowing the socio-cultural implications not only alienates the young from their rich heritage, but actually lessens community cohesion, leaving them and their community much more vulnerable.

Culturally rooted politico-administrative systems are territorial in nature, and are essential for community cohesion. Community cohesion is essential to protect its resource base—of which sovereignty over its territory is vital. A protected resource base and territory is essential for security and well-being of its constituent members. This cyclic self-reinforcing relationship between culture, territory, community and individual human rights needs to be understood and an environment be created for its nurture.

Internal rectification

When I went to the VDC to get land, they wanted either my husband to come or I had to get his death certificate—and this is after I campaigned for the land! We need to work for proper rehabilitation.

Vice-chairwoman Moti Devi, Central Committee, FKS[13]

Indigenous communities are relatively egalitarian, with different, but dignified roles for men and women, children and senior citizens. Tharu society was no different. After its long association with a rigid, hierarchical patriarchy, it is now patriarchal in its attitudes and organisation. The condition of the women in such a social structure is no different from similarly organised societies across the world. The girls are considered the property of others, since they leave their parents' home on marriage. So they are not sent to learn at school—which is an investment whose returns will be reaped by someone else. In hypergamous societies, educated girls need husbands more educated than themselves. Educated grooms being in short supply, the dowry to buy them is exorbitant. Instead, the family takes advantage of their labour while they are at home.[14]

The issue of gender equity should have been addressed right at the outset. However, it is still not too late. Since the ex-Kamaiya have just got liberation, and are recovering from the movement, they will have the shared feeling of solidarity. The tremendous democratic energy released should be channelled to ensure that Tharu society becomes internally just, egalitarian and democratic. *Launda ke school, laundi ke argani*[15] must become a taboo.

Tharu culture does have sufficient handles to be used for securing the rights of women. Traditionally, the Ghardhurinya kept all the accounts of the family. Expenses were through joint decisions. Unmarried women were not included in family decision-making, true to their status of being 'guests' in their paternal homes. But a portion of the agricultural produce called kolkaha, was set apart for her. This could be sold, and the proceeds were used by her for her personal needs at her discretion. There was no taboo against widow remarriage or divorce. Mobility, dress and marriage customs were non-discriminatory.[16] The position of the Tharu women across the international border in Madhya Pradesh of India is dominant, being a matriarchal and matrilineal society. All these can be used to reinstate the women in positions of equality.

These issues can be addressed only by the Tharu themselves. Those who profess a commitment to human rights and social justice should express their solidarity with unreserved support. Shukdaya Chaudhary's[17] statement that *'when organisations give money, we have to speak their language'* should never have to be repeated.

Civil society supporters

Building institutions of the oppressed

Campaigns and movements must not only change unjust status quo and destroy institutions that support inequitable power relations. They must build institutions of the oppressed to secure the freedoms gained. Social reconstruction is as much a part of a movement as is liberation. Livelihood systems and social institutions must be rebuilt because the bonded labour systems, however bad, were intrinsic to the survival mechanism of the poor. Unlike the rich, the poor cannot withstand the short-term shock of change, no matter how beneficial such a change is in the medium- to long-term.

The unity that was present among all organisations has largely broken down after liberation. Rehabilitation has again become project-based, and priorities differ based on the donor. The earlier problems of projects including divisiveness are becoming all too apparent, with consequences even for ex-Kamaiya unity. This leaves the structural and systemic causes that gave rise to the system untouched.

If the situation is to change, strong and effective people-centred advocacy is required. The ex-Kamaiya need to be organised and empowered. They must be united to ensure that the rehabilitation process is continued to its logical end. This will make them capable of carrying out campaigns and lobbying. Strong organisations of the Tharu will ensure that the government policies and schemes on paper will become benefits on the ground for them. Such organisations and institutional capacity are indispensable to secure and protect their life and livelihoods, even at the present levels.

A strong institution can negotiate and insure maximum benefits for the community by fully utilising popular perception and fear that the Tharu—specially the ex-Kamaiya—are prone to be CPN [M] supporters or members of Tharuwan Mukti Morcha. A weak organisation will result in them being imprisoned on the same charges—regardless of the veracity or otherwise of the perception.

Of course, the CPN [M] is not sitting idle. In May 2004 alone, they took away more than a thousand ex-Kamaiya from the southeast and northeast part of Kailali district.[18]

FKS is a fledgling organisation. It still depends on external support. In the initial period, this dependency is inevitable since its constituency has just been liberated. However, FKS must be built up into a strong independent organisation that can protect the interests of the ex-Kamaiya, and ensure that a livelihood consistent with a life with dignity is secured.

In every settlement, the ex-Kamaiya formed committees.[19] All relief or rehabilitation efforts should go through these committees. A strong, indigenous organisation of the ex-Kamaiya will be the logical link for aid agencies to bring in resources for ex-Kamaiya rehabilitation. By working through these committees, CSOs can help strengthen the organisation of the ex-Kamaiya.

An exit policy

All but the Tharu and the ex-Kamaiya need an exit policy. Even the ex-Kamaiya need to be clear when they will stop being ex-Kamaiya and return to full humanity as Tharus. Societies in distress or in pain need external intervention. Paradoxically, as long as the intervention exists, the society cannot realise its true potential, and remains weak. It is only when they can stand on their own feet independently that they can relate to the outside world as equals, on their own terms.

NGOs and governments tend to perpetuate their role by subtly ensuring that the people cannot be independent or have an egalitarian relationship with the outside. Such charity-based interventions create and perpetuate dependent constituencies for the practice of benevolence and charity. Once an exit policy is in place, then roles and tasks become clear. Once five bigha of land is distributed per household, then outsiders can withdraw, giving the Tharu a chance to rejuvenate their culture and administrative systems to become a cohesive community once more. If proper rehabilitation is not done, then the Tharu can never be stable and will always need external support. Ensuring continuing dependency is not the desired outcome of HRBA. An HRBA must create sustainable, self-reliant communities that can help others when needed.

Special protection

The ex-Kamaiya are poor, marginalised, deprived of education, and have few marketable skills. They cannot compete with others. The constitution grants the right of special protection in Article 11[2]. Special protection is necessary in education, employment, and representation in decision-making. This right of the ex-Kamaiya has to be respected by all, especially by the state and the government.

Civil society and CSOs took the path of least resistance. Programme coverage and support have been uneven. There is duplication in easily accessible settlements on the one hand, and no programmes in remote settlements on the other. Those in the remote areas need special attention and special protection. CSOs need to correct this imbalance as soon as possible.

Citizenship is a right

Citizenship should be automatic. Kingdoms tend to be more autocratic and patriarchal regarding citizenship. Nepal is more democratic being a parliamentary, constitutional monarchy and therefore can have a less restrictive form of citizenship. Citizenship should empower everyone within the nation. Lack of citizenship makes the poor even more vulnerable. A few of the ex-Kamaiya could not get land due to this.

Certification of any kind leads to undue concentration of power in the hands of bureaucracies. The lack of certification is then perceived and legalised as lack of ability or right. Nepal is signatory to the Universal Declaration of Human Rights [UDHR], and as such cannot deny citizenship to its 'natural born' citizens. Additional requirements, as at present, are clearly a violation of Nepal's international commitments. CSOs could do worse than lobby to ensure automatic birth, marriage and death registration, together with automatic citizenship, if either of the parents or the child is born in Nepal.

This will not only help the ex-Kamaiya and other similarly vulnerable groups, but every citizen of Nepal.

A time for introspection...

The liberation of the Kamaiya is certainly an incredible achievement of civil society and CSOs. The achievements have been spectacular. The linkages were from the grassroots to the UN. But much of the tasks remain incomplete, and the initial promise of the movement has not yet been fulfilled. The spectacular success and euphoria gave way to frustration and even hostility due to a series of miscalculations, unpreparedness and outright obstruction. This calls for a deep introspection.

Civil society and CSOs

There is a need for introspection at all levels regarding roles and motives, however subconscious. Internal rectification is vital not only for the Tharu, but also for Nepali society in general.

CSOs have not been transparent or accountable to the ex-Kamaiya. This seriously compromises on their ability to demand transparency and accountability from the government. There are few Tharu or ex-Kamaiya in INGOs. This undermines the demand for special protection for them from the state. CSOs need a strong dose of internal rectification.

International solidarity

In this movement, there was a lot of international presence and action. British MPs gave unsolicited advice. Would Britain take similar advice on Northern Ireland or race relations from Nepali MPs? What would their reaction be if Nepal funded 'advocacy' or 'relief' organisations in Northern Ireland? The Government of UK has not ratified ILO Convention 182 eliminating the worst forms of child labour adopted in June 1999. Would Nepali CSOs lobby the British government to ratify it, and what would be the reaction of the Government of Britain and public to such lobbying? The US has not ratified either CEDAW or CRC. Would Nepali CSOs lobby the US Govemment?

INGOs had an important role to play in lobbying and advocacy. Would they lobby the governments of their international headquarters as hard regarding, say nuclear disarmament, and refuse to take government money till it was done? Unless Nepal becomes internally just, it leaves itself vulnerable to such outside pressure.

A globalisation of solidarity is necessary. However, its contours need to be better thought through, and more rigorously defined.

Nation building

Almost entirely throughout the movement, the political parties were trying to save themselves. Given the external environment, the state machinery—both political and bureaucratic—will be more concerned with self-preservation for some time to come. Concerned citizens and human rights defenders will need to do the task of nation-building themselves.

The democracy movement of the 1980s, and the present CPN [M] movement, all give the nation a sense of shared history, catharsis, and solidarity while removing social barriers when facing the 'common enemy'. This builds a sense of camaraderie that is difficult to replicate in times of relative calm and peace, and gives the elite a look into the actual conditions of the hoi polloi. Networking across class boundaries happens only in these exceptional circumstances. Returning to peace, the elite revert to their class positions. They retain this consciousness and links only for a short while. Social change is easier before the elite disengages itself from the rest of the nation and attaches itself to the global elite in what is often called 'secession of the successful'.

A promise to keep

Given the relatively recent success of the restoration of constitutional monarchy and the ongoing CPN [M] movement, there is an enormous reservoir of idealism to be tapped and channelled in Nepal.

The greatest success of the movement is that it created a new norm for public behaviour and a new normative base for society where slaveholding—whether culturally sanctioned or not—is bad. This must be carried forward to ensure that its benefits reach its prime movers—the Tharu women and youth themselves, and from there to the great mass of impoverished peasantry of western Nepal in particular and peasantry all over the world.

An internally just Nepal is vital for a strong Nepal, and a strong Nepal is essential for a peaceful south Asia and a stable world. In a world moving to a rights and sovereignty framework, that is the true fulfilment of the movement.

And so, another anniversary...

The ex-Kamaiya are back at the airport. Why? Where has all the money gone? Their number increases with every count. Something is not quite right.

Campus Chief Hem Raj Pant, Dhangadhi Campus[20]

Land restoration has been a continuing process. Initially, the ex-Kamaiya restored large tracts of land in all five districts. In most cases, the government transferred this land to them. In some cases, alternate land was provided.

When the pressure from the movement was not as strong, the government too went slow. It was only on 22 April 2004 that the High Commission for Kamaiya Resettlement was finally constituted with Dilli Bahadur Chaudhary of BASE as chairperson.

The pace of land restoration slackened. The additional seven to eight thousand ex-Kamaiya identified were given cards only by the government. They were not given land or resettlement support. So from April 2004, land restoration started again with full vigour in all the five districts simultaneously.

The FKS led ex-Kamaiya of Andaiya and Dhrujana struck the first blow by reoccupying the old airport in Dhangadhi,[21] and the freed Kamaiya of various settlements who were living there temporarily reoccupied the old Tikapur airport in Tikapur, Kailali. Land was restored in various villages of Kailali. In Dang, about 32 bigha was restored. Large areas were restored in Kapas in Bardiya and nursery land in Kanchanpur.

In contrast to the ex-Kamaiya who confidently restore land, the government staff dare not enter the villages. In the months previous to the anniversary, the CPN [M] tightened its grip on the country. But for the cities and district headquarters, virtually the entire countryside is under the jurisdiction of the CPN [M], which does not allow government officials to go to the villages. Consequently, the active role of the government, and those who collaborate with it, are restricted to the district headquarters.

The CPN [M] placed restrictions on all agencies collaborating with the US accusing them of supporting or spying for the government and working against their movement. They were not allowed to work in the villages. Staff of US agencies were not even allowed out of the district headquarters. Their NGO 'partners' had to go to meet them there. All other agencies had to take permission from the CPN [M]. FKFSP was terminated in Dhangadhi from 12 May 2004. Dhangadhi saw particularly strict enforcement of CPN [M] law. The CPN [M] set fire to the office of Kamaiya Pratha Unmulan Sangh [KPUS] on 28 April, forcing it to shift office from Chaumala to Dhangadhi. In the same period, CPN [M] destroyed the offices of BASE, LWF, CCS, and NNDSWO there.

The political drama and prime ministerial musical chairs in Kathmandu continued. King Gyanendra dismissed Sher Bahadur Deuba as prime minister on 4 October 2002 for not holding elections on time and took all authority into his own hands. Then he himself could not conduct the elections, despite wielding power through two handpicked prime ministers from the royalist RPP. So he reinstated Sher Bahadur Deuba as prime minister on 3 June 2004, but did not apply the same standards to himself, dealing a crippling blow to constitutional propriety, state institutions and even the monarchy in the process. Political parties, in a game of one-upmanship, could not keep the larger interests of the nation in focus, engaged as they were in their own daily survival shenanigans. As before, the external political environment has disproportionate influence on the movement.

Little wonder then that rehabilitation depends on the strength and initiative of the ex-Kamaiya and FKS. As of now, the ex-Kamaiya intend to secure their positions. On 17 July 2004, a group of more than 500 ex-Kamaiya stormed Tikapur airport—the site of their first camp—and captured it. They demanded adequate land and proper rehabilitation. If they did not get it in five days, they vowed to distribute the restored land to themselves again, from 23 July 2004. In Bardiya, 600 families have occupied infertile land owned by a cotton factory, and about a thousand ex-Kamaiya demanded, ten katta land, no discrimination between red and blue card holders in access to government rehabilitation measures ....

They have learnt the ways of the establishment and now follow a two-track strategy, demonstrating an increasing sophistication and maturity in response. While a delegation of ex-Kamaiya was lobbying the government in Kathmandu to provide land to the ex-Kamaiya, thousands of ex-Kamaiya were simultaneously restoring land in the districts.

In the words of Yagya Raj Chaudhary,[22]

This time we are serious and will fight until every single ex-Kamaiya gets a plot of land to live. During the first Kamaiya movement it was the NGOs which took the initiatives and mobilised the Kamaiya for the movement. But this time, the ex-Kamaiya have involved themselves. Now they have become empowered and know that they can fight for their right.

It is difficult to put trust on what government ministers say. We have heard their promises for years, but they have not come true. It is easy for the politicians to talk, but they are not ready to carry out their promises.

We will not accept yet another round of big talks. We will demand to see a plan of action of how government will deal with the rehabilitation problem. This time we are serious and will fight until every single ex-Kamaiya gets a plot of land to live.

Liberation is not enough. They have to secure a life with dignity. The wheel has come a full circle. But this time they are stronger. They are more confident. They have FKS. They are free. Most important, they have the initiative.

[1] In conversation with authors, 12 March 2004.

[2] FKS leaders, 12 March 2004.

[3] Devkota B M, 2001 and Central Bureau of Statistics, 1997 *Nepal Living Standards Survey Report 1996* quoted in NHDR 1998 p118.

[4] Movimento dos Trabalhadores Rurais Sem Terra.

[5] Translated from Nepali by Nanda Kumar Kandangwa.

[6] The earlier 12-point demand of FKS was submitted to CDOs of five districts on May 2003 [30 Jestha 2060] as a memorandum and as an 'information letter' on February 2004 [4 Falgun 2060].

[7] Meeting with FKS, 12 March 2004.

[8] Kamaiya Labour [Prohibition] Act, 2002, Chapter 1.2.b.

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[20] In conversation with the authors, 11 March 2004.

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Bonded for Generations, AAN

CHAPTER 10

Annex 1: The role of ActionAid

What led an INGO to participate so much in a movement? What was the process which led to three of its staff—Nanda Kumar, Prakash and Narbikram—getting arrested? The answers lie in a process, interesting in itself, that is closely tied to the movement. AAN did not start its involvement in the movement as an advocacy or an organisation practising HRBA. It started off with a charity and development approach. In this chapter, we will examine the key milestones in AAN's transformation.

ActionAid has a vision of world without poverty. Its mission is to eradicate poverty through the empowerment of poor and marginalised people. AAN with this vision and mission has been working with ex-Kamaiya and other poor people in Nepal. AAN believes that poverty cannot be eradicated unless the denial of rights stops and the poor and marginalised groups enjoy their rights.

AAN, being an INGO, had to act only according to the terms set out in the Samjhauta Patra.[1] This is an extremely difficult and narrow scope for action. AAN, however, is a fully Nepali organisation, fully staffed by citizens and its policy and interventions are fully determined in-country. Being an organisation of citizens, it could not turn a blind eye to the injustice, and as a development organisation, it could not but be aware that eradication of poverty is a 'political' act. Poverty is a creation of power relations. To eradicate poverty is a political act as it is to change power relations. The choice for AAN was not difficult—eradicate poverty, in the spirit of the constitution and the Samjhauta Patra.[2]

AAN had a facilitative role in securing the rights and rehabilitation of ex-Kamaiya. It involved lobbying to change policy, technical support to partner organisations and mobilising resources to meet the needs of the ex-Kamaiya.

AAN staff offered behind-the-scenes support based on their advocacy experience and work with Pandit. For example, being familiar with the petition process, they advised the grassroots groups to file the petition with the CDO rather than the VDC.

Overview of mainstreaming process

Changing political context

AAN began exploring and slowly integrating advocacy approaches as early as 1993. The drive towards advocacy was led by the desire to work towards poverty eradication in a more integrated and sustained way. While the service delivery programmes met the critical, short-term needs of the poor, they were not fully addressing the root causes of economic marginalisation. AAN's limited capacity to meet the monumental and growing needs of the poor also became clear. The government—the sole entity with countrywide infrastructure and the mandate to eradicate poverty—had initiated several inappropriate policies.

In the light of these concerns, advocacy offered a critical tool. Advocacy has the potential to create the widespread change that micro-projects cannot provide. By holding the government accountable and activating established power structures, advocacy attacks the root causes of poverty and economic marginalisation rather than just the symptoms. Advocacy sows the seeds for long-term change and empowers the poor. Engaging partner organisations in the advocacy process serves to empower them and their communities and prepare them to meet their own needs.

The new and fast-changing political and social environment in Nepal supported AAN's shift towards advocacy. Democracy, born out of the People's Movement in 1990, created a new and valuable space for advocacy and civil society. The newly empowered village and district structures provided a critical avenue for public participation and opened the door for increased government accountability. However, democratic systems have worked to the benefit of the urban and wealthy and to the disadvantage of the poor. This increased the importance and urgency of ensuring that issues of the poor became visible and leaders sensitive to such issues engaged in the process.

Although AAN's efforts to articulate, and to conduct advocacy work were somewhat tentative at first, confidence and commitment to the method steadily increased.

The Country Strategy Papers

In the early 1990s, AAN opted for advocacy as a means to help the organisation's transition from sector-based project work towards a more integrated, long-term approach to poverty eradication. In 1993, AAN's first Country Strategy Paper [CSP] addressed this shift stating, 'AAN believes that sustainable alleviation and eradication of poverty cannot be achieved by development work only at micro and local levels. Effective programmes and actions to change policy, behaviours and practices at local, national and international levels are essential to overcome the inter-related and structural causes of poverty. Through working closely with communities, and by carrying out specific research, AAN understands the problems, concerns and aspirations of the poorest disadvantaged people and communities'.

The advocacy initiative was generated from the leadership and organisation-wide discussions and orientation programmes were conducted widely following the CSP.

In practice, AAN approached advocacy as an 'add-on' component of existing work rather than an integral feature of the organisation during this initial phase.

Advocacy takes root

The 1997 CSP II policies, and the staff training processes that soon followed, marked the turning point in the mainstreaming process. The CSP II made the integral role of advocacy more explicit, stating: '*Advocacy, together with micro-project action and emergency work, will be one of the core strategies.*' The strategy included the provision that all projects '*must have an explicit advocacy value and advocacy objectives*'.

CSP II introduced AAN's understanding of poverty as a symptom of fundamental social and economic disempowerment. AAN acknowledged the importance of incorporating an RBA. Advocacy would be based on the belief that freedom from poverty and social marginalisation is a fundamental human right. To address the fundamental social and economic marginalisation at the root of poverty, AAN designed activities to increase power and decision-making among the poor.

Bonded labour selected as an advocacy issue

During the baseline survey through PRA in Kanchanpur and Kailali in 1998, the Kamaiya practice was found to be the most prominent issue in the western region. Several service delivery and empowerment programmes were launched to uplift the condition of the Kamaiya. These programmes made some progress.

In the 1998 western regional retreat, a list of common advocacy issues was identified. It was agreed that all partners would be proactive in raising these issues in common forums. In the process of identifying new advocacy issues, Kamaiya was taken up seriously during senior management and staff meetings and consultation with partner organisations.

Those present selected a slogan in Nepali related to the Kamaiya, Dalit and poor for the year. AAN agreed to employ a person for coordinating and monitoring the advocacy issues, preparing an advocacy action plan in consultation with all partners and monitoring the implementation of the action plan. Capacity building programmes to supplement those already conducted were designed.

All partner NGOs decided to focus on the poorest households, which in the western region included the Kamaiya. Kamaiya liberation, welfare, and livelihood support were the main programmes in Kailali and Kanchanpur districts. Advocacy and some research were done.

Seeds of the movement

In 1998, AAN played a crucial role in helping sow the seeds of the movement by strongly encouraging and supporting a shift away from development projects towards an HRBA. The involvement in the movement directly corresponded with the increasing focus on advocacy and HRBA.

Initially, AAN and partner organisations had a service delivery approach. The Kamaiya too had absorbed the service delivery orientation focusing on getting a better deal within the system. They not dared to think of release. 'Freedom'—wanting to be free and having the courage to demand it—is the single most critical factor in releasing the Kamaiya. The strength and confidence the former bonded labourers experienced through seeking and gaining release prepares them for the challenges of rehabilitation, and a route out of poverty.

AAN then made a strategic decision to enter the legal process. This meant a process to understand the legal system of the country, i.e. role of executive, judiciary, legislative and other instruments of the state in the Kamaiya issue. From this, there came an understanding of where to focus action effectively to achieve success.

The importance of the active agency of the Kamaiya themselves to effectively bring changes in laws and practice was realised at this time. Through this process, AAN initiated lobbying with policy-makers and building solidarity networks.

Rights and rehabilitation

The rights of the ex-Kamaiya

For ex-Kamaiya's rights and rehabilitation, AAN considers the following as components of the right to rehabilitation and sustainable development, and strives to help them realise these rights.
The right to:

- Settle and settlements.
- Land.
- Housing.
- Drinking water.
- Health and health services.
- Education.
- Food.
- Employment.

The freed Kamaiya have the right to live with dignity.

The AAN objectives in rehabilitation

AAN has set the following objectives for itself for the rehabilitation of the ex-Kamaiya.

- Help advocate their rights and sustainable development through strengthening the freed Kamaiya, their organisation and their linkages.
- Contribute to various aspects of their rehabilitation and sustainability.
- Support to access freed Kamaiya in resources (natural and state) and services through an HRBA.

The targets with the desired timelines are:

- Streamline rehabilitation. Work to make the government and other actors systematic and effective by 2004 through HRBA.
- Ensure the right of ex-Kamaiya to settlement, land, housing, drinking water, irrigation, health services, education, food and employment by 2007.
- Lobby the government to ensure that all ex-Kamaiya are given land, housing and drinking water facility by 2004.
- Lobby the government and parliament for a new law on land

rights or land to the tiller by 2007.

- Lobby the government and parliament for a special protection policy by 2005 that will address the right to food and employment of the ex-Kamaiya.
- Ensure that more than 500 men and women are made capable leaders and activists in decision-making bodies such as community forest, VDCs, DDCs, educational decision-making bodies etc. by the end of 2007.

AAN works to ensure that the ex-Kamaiya will be an independent, socially respected people free of poverty by 2012.

Strategies

The objectives are translated into programming and organisational practice.

Organisation strengthening

Rights are secured when rights holders collectively claim them. Organising rights holders is essential. Ex-Kamaiya have various issues of rehabilitation and long-term development. AAN supports and strengthens them and their organisation, FKS.

Capacity and leadership

The capacity and leadership of the ex-Kamaiya were developed by various kinds of training, orientations, exposure visits and workshops.

Coordination and linkages

AAN was active in the KCG. It took the lead in several key areas and decisions. The KCG's shift to HRBA was one such contribution.

This decisive moment defined the role of many supporters. It enabled many who did not have a Kamaiya or Kamaiya specific programme, but were working for rights of particular sections, especially women and children, to take part in the movement fully. Many child rights organisations—NGOs and INGOs—could then overcome institutional boundaries, be active in the KCG, and lend invaluable support during the take-off stages of the movement.

Coordination among the government, political parties, NGOs and INGOs working with ex-Kamaiya and local government DDCs and VDCs is essential for rehabilitation and long-term development. AAN works to ensure such coordination.

Work through partnership

When following HRBA, there are no 'beneficiaries'. The ex-Kamaiya themselves must be strong. Joint effort is needed to bring change. Capacity to enforce implementation of the existing laws and decisions must be demonstrated. Partnerships must build synergy among NGOs, CBOs, activists, and networks.

The government is responsible for securing and protecting the human rights of all. It should provide and secure their right to live, to get shelter, house, safe drinking water, food, employment, education, health services and their long-term development. Joint effort in a spirit of partnership will help make government, state and other actors responsible for the rehabilitation.

Monitoring change

Ex-Kamaiya rehabilitation has become a concern of the local and central governments, national civil society and the international community. Several INGOs, bilateral and multilateral agencies are already involved. New ones are starting involvement. The current government system and mechanism of policy making and implementation is not effective enough. This mechanism is not sufficient to secure rehabilitation and the correct use of funds. AAN promotes an independent monitoring system so that all actors, rights holders and observers will have a better access to information.

Continuing role

AAN has constantly endeavoured to support the Kamaiya, and now the ex-Kamaiya, in their journey to a life with dignity. To this end it has worked with many different constituencies and stakeholders. In the initial stages, AAN worked with NGOs, and later with NGO forums, and directly with the government through an advocacy process. AAN's role is as a supporter, capacity enhancer and as a watchdog.

AAN has consciously kept a low profile, keeping off the limelight. Getting the work done, especially through the multi-level alliances and coalitions necessary today, makes low profiles and a wide sharing of credit necessary.

Post-liberation, the role of AAN has been to strengthen the FKS, make it more broad based, and increase their capacity for action, so that the ex-Kamaiya themselves become the key actors in the process. In arenas where the FKS does not, as yet, have presence or access, AAN continues its task of advocacy and monitoring.

A key task of AAN is supporting the FKS through resources and skills. The FKS leaders are given some livelihood support. AAN leverages its access to other arenas to ensure that the resources available for ex-Kamaiya rehabilitation are optimally used, and that the ex-Kamaiya's interests are safeguarded. The advocacy skills and infrastructure built during the movement are used for the purpose.

When the FKS can take on all roles at different levels, and the ex-Kamaiya are fully rehabilitated, AAN can safely disengage.

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[1] MoU.

[2] MoU.

CHAPTER

11

Chronology

This chronology is to provide a quick reference timeline to place the process in context. For this reason, the main political markers are mentioned to give an idea of the tremulous times that Nepal was passing through. Though meant to be a supplement to the main text, this can also be read as a standalone.

This chapter incorporates additional input from Dinesh Prasad Shrestha:

- Kamaiya Freedom Movement, Bardiya District, Nepal.
- Personal diary [unpublished].
- Internal documents of RKJS.
- Bardiya, Landlordship, Nepali Congress and People's Leader Radhakrishna Tharu, December 1995.

1000-1500 AD *c.* Tharu settled in the tropical jungles of Tharuwan.

1768 King Prithvi Narayan Shah unified Nepal.

1814 Nepal loses the Anglo-Nepalese war and territory from the Terai in the west from the Rapti River and Kali River in the east.

1815 The *Naya Muluk* [literally new country] areas, present Banke, Kanchanpur, Kailali and Bardiya districts annexed by the British under the Anglo-Nepalese Treaty of Peace [Sugauli Treaty].

1846 The Shah dynasty lost power to the Ranas who declared themselves hereditary prime ministers. Marriages between the Ranas and the Shahs consolidated Rana power. The Shahs retained titular and ceremonial power. Even today, the national flag of Nepal is the combined flags of the Rana and the Shah dynasties.

1860 November

1 The *Naya Muluk* areas restored to the Ranas by the British as a reward for Rana support in putting down the First War of Indian Independence in 1859.

— Half of this land was granted as *birta* to Jung Bahadur Rana and his brothers.

1870s *c*

Rana rulers allowed local Tharu headmen, and later the migrants, to collect revenue for the crown from the Tharu.

1926 Rana Prime Minister Chadra Shumsher banned slavery in Nepal.

1943 Radhakrishna Tharu secretly organised landless Tharu farmers [including Kamaiya] and led the 'land to the tillers' movement in Bardiya.

1944 December-January 1945

Signature campaign for 'land to the landless tillers' [including Kamaiya] initiated by Radhakrishna Tharu with the help of his comrades: Dilipat Tharu, Saraju Prasad Tharu and Bikram Tharu and others.

1945 March-April

Over a thousand landless tillers of Bardiya signed a petition to Prime Minister Padma Shumsher Rana. It was submitted to Commander-in-Chief Mohan Shumsher by Radhakrishna Tharu.

1946 November-December

To know about the reality of the petition, Prime Minister Padma Shumsher Rana sent an inspection and survey team to Bardiya led by Brahma Shumsher. The other members were Sharada Shumsher and Bijaya Shumsher.

1947 October-November

The inspection team, after meeting the landless tillers, distributed 13,000 bigha of land to them, a first in Bardiya.

This was the first land distribution in such a scale in the country's history. Right after the departure of the inspection team, the landlords started snatching the distributed land from the tillers. Radhakrishna Tharu again led the movement against land snatching by landlords.

1948 Radhakrishna Tharu came to Kathmandu and visited influential Rana courtiers including Bijaya Shumsher, Sharada Shumsher and Prime Minister Mohan Shumsher Rana requesting help. A commission was sent to Bardiya under the Chairmanship of Basu Dev Pyakurel. This commission registered 25,000 bigha [17,006.8 hectare] in the name of the landless tillers. It included the land snatched by the landlords.

1950 December-January 1951

Revolutionaries of Nepal's 1950 revolution Mahendra Bir Bikram Shah, Hora Prasad Joshi, Nirmal Lama, Vishnu Bahadur Manandhar, Gopal Karmacharya, Govind Bahadur Shrestha, Prem Tuladhar captured Rajapur Bazaar on 22 December and Gulariya Bazaar on 14 January 1951. They also supported 'land to the tillers' in Bardiya.

1951 April

11 The Indian Army entered the Nepal border in Bardiya to suppress the revolutionaries and arrested and killed some of those they could capture including Bhim Dutta Pant.

28 Landless tillers from Rajapur sector of Bardiya captured the 'Khalihan' [the place of heaping and purifying crops after cutting] of landlords in Belawa/Manpur Tapara of Rajapur sector, Bardiya, demanding two thirds crop sharing to them. But landlords like Bidur Narsing Rana with the help of police sergeant Khadga Bahadur Giri opened gunfire on the tillers. Six persons were shot dead and 17 persons were injured. The dead included one woman [Koili Tharuni of Belawa Gaon] and five men [Chapu Tharu of Mangalpur Gaon, Laxmi Prasad Tharu of Koilipur Gaon, Pati Ram Tharu of Dayapur Gaon, Dibuwa Tharu of Gulara Gaon, and Pepuwa Tharu of Belawa Gaon].

1951 King Tribhuvan attempted to introduce democracy, along with the Nepali Congress Party, in gratitude for his restoration to power and removal of the Ranas.

November 16-14 August 1952
Matrika Prasad Koirala, NC, was prime minister.

1955 King Tribhuvan dies. King Mahendra ascends to the throne. King Mahendra introduced a democratic constitution, and held elections which were won by the Nepali Congress Party. Nepal joined the United Nations Organisation.

1956 The Government of Nepal signed the UN convention against slavery.

1959 Multiparty constitution adopted.

1960 King Mahendra seized control of the government. He suspended parliament, constitution and party politics after the Nepali Congress Party won elections with B. P. Koirala as premier. The prime minister was imprisoned and the king assumed direct control over the government.

— WHO, the World Health Organisation, successfully eradicated malaria in the Terai. This paved the way for ethnic swarming by the people from the hills to settle in Tharuwan. They took advantage of the Tharu and enslaved them by introducing a new economy, a new legal system and corrupting their culture.

— In the 1960s the Dangaura Tharu migrated to different districts and became 'squatters'.

1962 King Mahendra imposed the Panchayat system and banned political parties. The king appointed the prime minister, the council of ministers and a large section of the national parliament.

The new constitution provided for non-party system of councils known as "Panchayat" under which king exercises sole power.

1963 First elections to Rastriya Panchayat held.

1964 Land Reforms Act promulgated. A land survey was conducted. The Kamaiya lords took advantage of this to get the land fraudulently registered in their name. The Tharu—who developed this land—were dispossessed.

1967 Chilla Tharu, along with 148 Dangaura Tharu families settled in the Kanara Jungle [Bardiya district].

— Royal Bardiya National Park established on Tharu land. Tharu are now allowed into the park legally only for one week in

December-January with the Royal Nepalese Army preventing access to the rest of the year. It covers 96,800 hectares—47.55% of Bardiya district.

1968 The government evicted the Tharu at the request of the local Kamaiya lords.

1972 King Mahendra dies, succeeded by Birendra.

1973 'Bigha' was changed into giving 12 sacks of rice. The Kamaiya protested and struck work. Their leader Josi Ram was singled out for revenge. Twenty-five Kamaiya lords surrounded him and charged him with being responsible for the lost production. They then garlanded him with shoes in front of the whole village. Unable to bear the humiliation, he was forced to leave the village.

1975 Chilla Tharu and the families again settled in Kanara.

1979 These families were given one hectare of land each and resettled in different parts of the district after they petitioned King Birendra during his visit to Surkhet.

1980 Inspired by the success of Chilla Tharu, another 1,300 families moved into the forest.

1981 Hundreds of Sukumbasi [landless 'squatters'], including Kamaiya, settled in a large forest field in Dalla of Suryapatuwa VDC, Bardiya under the leadership of Balkrishna Tharu and Keshar Giri. But they were driven away by the local administration.

1982 Another team of Sukumbasi [including Kamaiya] from different villages of Bardiya assembled in Machad roadside area of Dhodhari VDC made small huts and settled there temporarily under the leadership of Jangli Tharu. Later, he contested elections to the Rastriya Panchayat. After a year, they shifted to Taratal, the newly government-cleared forest area [now Sanoshri]. This land was reserved for resettlement of Sanoshri Bardiya Siwalik hill area's dwellers.

1984 The government evicted some of those who settled in the forest, demolishing their huts using elephants and bulldozers. Thirty-five children die in the heavy rain.

1985 The Ministry of Labour and Social Welfare conducted the first study on bonded labour and related forms of slavery. It concluded that some forms of bonded labour existed in Nepal.

1986 Dumrigaon [the forerunner of BASE] organised Tharu in the western Terai region [Magh 2042 BS]

1989 A Royal Commission stated categorically that there was no slave or slave-like practice in Nepal.

1990-1992

Kanara movement continued. It was strong enough to threaten the landlords and local administration.

1990 The restoration of multi party democracy. A new constitution was drawn up, which prohibited all forms of slavery or serfdom. However, no rules were framed.

— Throughout most of the 1990s, local and international NGOs implemented service and welfare programmes for the Kamaiya. There were some awareness programmes and a slow, but steady, process of organising.

— BASE/Labour Liberation Organisation [Shramik Mukti Sangathan] organised a movement demanding minimum wages for Kamaiya in five villages. For two months they refused to work unless they received rupees 50 a day. When food ran out, they were forced to return to their Kamaiya lords and to slavery.

April

6-19 Lokendra Bahadur Chand became prime minister for the second time.

19-26 May

Krishna Prasad Bhattarai, NC, became prime minister for the first time.

22 Just after the end of the Panchayati System and restoration of multiparty system in Nepal, the Sukumbasi from more than 20 temporary camps came to Kandra Phanta and occupied approximately 272 hectares of forest plains on the western bank of Babai River. This land once belonged to Hakim Baje, a landlord of Kanthapur/Kalika, Bardiya. The movement was led by Kashi Ram Tharu who was elected as an MP from CPN–UML. This movement was later led by activists Dinesh Prasad Shrestha and Deep Bahadur Rana.

1991 Nepali Congress won the elections.

May

26 May-30 November 1994

Girija Prasad Koirala, NC, became prime minister for the first time.

16 A protest march from Kandra against landlord and former Pradhanpanch of Khairapur VDC, Ram Shankar Yadav, was launched. The protestors stormed his house and looted all property in cash and kind. Since then all the landlords of Bardiya feared the Kanara Andolan.

1992 Landmark study *Bonded Labour in Nepal under the Kamaiya System* by INSEC in Banke, Bardiya, Kailali and Kanchanpur districts. They concluded that 93.2% of the 100,000 Kamaiya and their families were Tharu. 15.5% were under 15, 73% were homeless and 98.2% were landless and 96.3% were illiterate.

November

10 The local government brutally evicted the families of the Kanara Andolan, with the help of forest game scouts, security guards and armed police, destroying their houses and defiling wells by urinating in them [25-7-2049 BS].

11 The Kanara Andolan came to the streets of Gulariya Bazaar, headquarters of Bardiya and gheraued the DAO until declaration of squatters' commission with high authority, under the chairwomanship of Shailaja Acharya, an MP and a senior Nepali Congress leader. The members of this commission came to Bardiya and met the leading personalities of the movement. It declared the distribution of land to them and the movement stopped.

1993 A case against the Kamaiya system was filed in the Supreme Court by INSEC demanding a mandamus to enact a law banning the system. The Supreme Court asked the government for a response, which came only in 1998.

— A proposed law abolishing the Kamaiya 'Bonded Labour Elimination Act' was drafted and circulated to the MPs by INSEC.

May

15 Radio Nepal, in its regular news bulletin at 7 a.m., broadcast that there were 18,723 Sukumbasi households and 11,823 Kamaiya households in Bardiya district.

1994 July

The Nepali Congress lost a key vote in Parliament, and called for a general election. No party could get a majority.

November

30 As the largest party, CPN–UML formed the government with Man Mohan Adhikari as prime minister.

December

Kamaiya liberation campaign was initiated by INSEC with the Kamaiya forming their own organisations.

— The CPN–UML government purchased and provided land to some of the Kamaiya.

1995 Sukumbasi Samasya Samadhan Aayog [Commission on Resolution of Landless Squatters' Problem], Department of Land Reforms, Government of Nepal, conducted a comprehensive survey to analyse the situation and magnitude of the problem. The survey undertaken by the Resettlement Commission in all the five districts covered about 18,000 Kamaiya households. The survey identified 5,356 indebted Kamaiya families which did not have a house or property. A priority programme of rupees 40 million was drawn up for their rehabilitation.

— Ministry of Labour prepared a report on the *Social and Economic Condition of the Kamaiyas* by using primary data collected from Kanchanpur, Kailali and Bardiya districts. The sample size was 732 Kamaiya households. The study addressed the Kamaiya and their working conditions in the districts, and made policy- and programme-related recommendations for implementation by the government.

— Kamaiya Report by BASE, based on a survey of about 36,000 Kamaiya adults and children.

September

12 The Nepali Congress formed an alliance with the RPP, Rastriya Prajatantra Party [National Democratic Party], and the Nepal Sadbhawana Party [Nepal Goodwill Party] brought down the CPN–UML-led government. This government with Prime Minister Sher Bahadur Deuba [first time] of NC was to last till 12 March 1997, but was riven with infighting.

— Department of Land Reforms and Management conducted another *Study on the Kamaiyas*. This extensive survey covered a total of 15,152 Kamaiya households in five districts of Dang, Banke, Bardiya, Kailali and Kanchanpur.

The survey focused mainly on asset and debt situation of the Kamaiya households.

The CPN–UML government commissioned this report to create a database to help formulate a bill to abolish the system. The government fell before this could be done.

1996

— Finance Minister Dr Ram Sharan Mahat of the next government announced at the tenth session of parliament that the bonded labour under the Kamaiya system would be eliminated in two years, and promised that a special programme would be designed for their rehabilitation and alternative livelihood skills.

— INSEC conducted further research on the Kamaiya system in all five districts with London-based Anti-Slavery International resulting in the publication of *Forced to Plough.*

January

24-26 A national conference of Kamaiya was held which created the Kamaiya Mukti Manch [KMM also known as KLF from its English translation: Kamaiya Liberation Forum]. It was affiliated to GEFONT, the General Federation of Nepalese Trade Unions. The conference openly demanded liberation and writing off the Sauki.

1997

— Kamaiya Concern Group [KCG] formed. [Technically it is a renaming of a 'task force' set up to implement the work plan evolved from a workshop hosted by INSEC and UNICEF for NGOs, INGOs, government departments, Kamaiya, Kamaiya lords, journalists and other concerned individuals and institutions in Nepalgunj].

— KCG appealed to the Kamaiya lords to release the Kamaiya. Thirteen Kamaiya were released.

— Further research '*A Revisit to the Kamaiya System*' conducted by INSEC.

— A new coalition by the CPN–UML, Rastriya Prajatantra Party and the Nepal Sadbhawana Party formed the government.

March

12 Lokendra Bahadur Chand, RPP, became prime minister for the third time.

October

7 Surya Bahadur Thapa, RPP, became prime minister for the fourth time.

1998

— The Supreme Court finally gave its verdict on INSEC Chairman Sushil Pyakurel's application demanding court directives to the cabinet on the formulation of a law liberating bonded labourers. The Supreme Court concluded that a directive was not necessary given that a number of government initiatives were undertaken to address the issue. The legal limbo continued.

— AAN conducted a study on '*Gender and Child issues under Kamaiya System in Mid-Western and Far Western Terai of Nepal*'. This gender responsive Kamaiya women and children research study was conducted in Dang, Banke, Bardiya, Kailali and Kanchanpur districts, using the participatory 'PRA' approach. It recommended empowerment and income generation programmes for the bonded families. The study was conducted by M Paudel and B Niraula.

April

15 Girija Prasad Koirala, NC, became prime minister for the second time.

November

Visit of British Minister Claire Short. She interacted with Kamaiya in Kailali district, and visited the CCS project area in Hasuliya.

1999

— A minimum wage campaign for agricultural workers was launched by INSEC in cooperation with VDCs. It spontaneously spread to over 100 VDCs.

May

31 Krishna Prasad Bhattarai, NC, became prime minister for the second time.

November

The Government of Nepal published '*Summary Report of the Socio-Economic Status of Kamaiya*' based on their 1995 survey in collaboration with ILO-IPEC. It recognised that the tradition was against human rights, was one of the remaining forms of slavery, yet recommended that 'landlords who do such pious jobs [i.e. liberate the Kamaiya] should be recognised socially and morally'. It acknowledged that two katta of land were not sufficient even for two months of survival for a family; that landlessness is a major cause of Sauki; that the Kamaiya get at best 32% of their wages, yet recommended that the Kamaiya should repay the Sauki themselves, with their own income.

December

A 5,000 strong Kamaiya rally taken out for the first time ever in Kailali. It was organised by CCS. They filed a petition at the DAO and DDC, demanding abolition of Sauki, for relief and payment of fair wages.

2000

January

— Visit of the Earl of Sandwich, MP of the House of Lords [and a council member of Anti-Slavery International], an expert on bonded labour with Swami Agnivesh, a veteran Indian campaigner on bonded labour, Dr Kevin Bales of the University of Surrey and two experts from Pakistan and Japan. The visit was sponsored by Anti-Slavery International and the Westminster Foundation for Democracy and organised by INSEC. They visited the Prime Minister, Opposition Leader Madhav Kumar Nepal, the Speaker, the Chairman of the Rastriya Sabha [National Assembly] and the Chief Justice.

— The General Secretary of the CPN–UML issued a party directive to expel members from any position in the party if they are found keeping Kamaiya.

13, 14 Kamaiya workshops were organised at Kanchanpur district headquarters Mahendranagar in coordination with the DDC. This workshop developed an understanding between different stakeholders i.e. political leaders, social activists, VDCs, DDCs and civil society for Kamaiya liberation movement. It declared the '*Kanchanpur Manifesto-2056*'.

13 The government fixed a nationally applicable minimum wage for agricultural workers as rupees 60 per day.

14 Using the authority granted by the Local Self-governance

Act, the Kanchanpur DDC fixed the minimum wage for agricultural labourers as Rs 80 per day. Nepal Chaudhary petitioned Laxmipur VDC demanding that he be paid minimum wages for all the years he worked for his Kamaiya lord. The Kamaiya lord refused to pay him, but granted his freedom and waived his debt.

18 Kanchanpur DDC reached an agreement with the local Kamaiya lords who volunteered to release 22 Kamaiya families with Sauki less than Rs 15,000.

— A Kamaiya rally was organised in Kalika where VDC members, an MP Kamaiya, local activists and civil society participated.

19 The Kamaiya issue raised in the British parliament.

March

18 The Kamaiya of Shankarpur VDC in Kanchanpur district filed a petition against their Kamaiya lord. Two Maoist attacks on the Kamaiya lord in the same week drove him from his village, leaving the case in limbo.

19 Yam Narayan Chaudhary, a Kamaiya [Laxmipur] filed petition in the VDC office against his Kamaiya lord.

22 Girija Prasad Koirala of NC becomes prime minister for the third time.

May

1 Demonstrations, protests and petitions for fair wages and release were filed in many places. Petitions were filed in Ratanpur VDC by Kamaiya supported by CCS.

— 19 Kamaiya filed a petition at Geta VDC in Kailali district demanding that their Kamaiya lord, former minister Shiva Raj Pant, pay them the minimum wages fixed by the government. The chairman was not present, so the secretary took the petition. [19 Baisakh, 2057 BS]

5 The case is accepted by the VDC Chairman Santa Bahadur Karki on his return. However, it being a Friday he postponed action till after the weekly holiday on Saturday. He forwarded it to the DLO, who verbally refused to accept it.

7 Chairman Santa Bahadur Karki, Geta VDC invited the 19 Kamaiya, Shiva Raj Pant, journalists and organisations working on bonded labour issues to attend a mediation meeting.

10 The 19 Kamaiya and about 100 delegates from government and NGOs attended the mediation meeting. Shiva Raj Pant did not. The case could not be resolved in his absence. The meeting discussed the petitions and decided to demand liberation. A nine-member struggle committee was formed with Santa Bahadur Karki as chairman.

11 With the help and co-signature of various organisations, the 19 Kamaiya filed their statements with the Kailali Chief District Officer Tana Gautam. He refused to register the case twice, saying that he would only accept the petitions filed by the Kamaiya themselves, without NGO help. He demanded that the petitions be on plain paper, and not on the letterhead of any organisation. The Kamaiya and supporters began a sit-in at the office of the CDO. They demanded liberation from their bondage, compensation and appropriate remuneration. A memorandum was given, to be forwarded to the prime minister.

12 The Kamaiya returned to the DAO. Tana Gautam again refused to register the case and insulted the Kamaiya and the supporting organisations.

14 A protest rally with 7,000 to 8,000 people was organised against the DAO, which virtually shut down Dhangadhi, the capital of Kailali district.

15 The Kamaiya and activists staged a silent demonstration, with black cloth tied over their mouths since the government did not listen to them. This is a strong protest in Nepal. The CDO finally called for mediation with the Kamaiya lord. The talks reached an agreement on a settlement and the setting up of a commission for the registration and liberation of other bonded labourers.

16 Kamaiya Concern Group organised a meeting in which a 15-member Kamaiya Mukti Andolan Parichalan Samiti was formed, with diverse representation. BASE was the chair.

— The CDO of Dhangadhi registered the case, but forwarded it to the District Labour Office, DLO. The DLO sent it back to the CDO.

17 The Kamaiya filed a new case at the office of the CDO, asking only for freedom and protection from the Kamaiya lords.

18 Women, children and senior citizens staged their own silent demonstration.

20 An estimated 20,000 people demonstrated in Dhangadhi, Kailali district headquarters.

21 Forty-eight Kamaiya from six VDCs in Kanchanpur district filed separate petitions with VDC offices demanding freedom.

23 An all-party meeting forced Shiva Raj Pant to free the 19 Kamaiya.

— Parasan VDC issued a freedom certificate to Bahadur Rana, who had submitted an application on 21 May 2000.

26 Four Kamaiya from Kailali travelled to Kathmandu with Geta VDC Chairman Santa Bahadur Karki to pressure the central government to resolve the issue.

30 A mammoth protest march of 7,000 to 10,000 people was organised in Dhangadhi, the Kailali district headquarters. Former Speaker of the Parliament Daman Nath Dhungana, Member of the Standing Committee of CPN–UML Keshav Badal, Jogmehar Shrestha of Rastriya Prajantra Party and Vivek Pandit were present.

June

5 The like-minded NGOs working in Bardiya formed Kamaiya Mukti Andolan Parichalan Samitti [KMAPS] for Kamaiya liberation, under the leadership of RKJS Chairperson Dinesh Prasad Shrestha.

6 KMAPS–Bardiya lobbied political party leaders and got their support for Kamaiya liberation.

7 Kamaiya assembled in Gulariya Bazaar demanding their liberation.

8 Three CPN–UML leaders in Kailali district set their Kamaiya free.

12 676 Kamaiya from five districts filed petitions with the respective CDOs demanding freedom from bondage, for resettlement and protection from Kamaiya lords.

— 16 Kamaiya of Kalika VDC filed petitions in DAO and asked the CDO about the action taken on their previous petition.

18 41 Kamaiya of Kalika, Laxmipur, Baisibichuwa, Shankarpur Parasan VDCs Programme Team filed petitions in DAO and asked the CDO about the action taken on their previous petition.

25 377 Kamaiya filed petitions for freedom in Manau VDC office.

27 93 Kamaiya filed similar petitions in Khairichandanpur VDC office and held a mass meeting there. Former Chairman of Khairichandanpur VDC and a member of Squatter's Problem Resolution Committee, Bardiya Harihar Gautam, declared his two Kamaiya: Bhatia Ram Tharu and Cholera Tharu free from bondage in that mass meeting. Bhim Bahadur Khadka from ward No. 9 of the same VDC also declared his Kamaiya free.

July

1 105 Kamaiya from Dhodhari VDC filed petitions for freedom.

4 A meeting of bonded labour was held in Dhangadhi, from which an 11-member Kamaiya Andolan Kamiti was formed under the leadership of Raj Dev Chaudhary, one of the 19 Kamaiya who filed petitions in Geta VDC.

8 Kanchanpur local government officials, NGOs, Kamaiya lords and Kamaiya agreed on a formula to liberate Kamaiya in the district. Mass protests continued.

11-16 Nearly 200 Kamaiya representatives from the five districts organised a sit-in at Bhadrakali, Kathmandu. They demanded that the government produce a programme of action to free and rehabilitate bonded labourers on Friday 14 July.

The key demands were: Release from the Kamaiya lord; a minimum wage and back pay for all their unpaid work; ownership of the land on which they had lived for generations; and protection from reprisals.

11 46 Kamaiya from Bardiya, including 12 women, went to Kathmandu to participate in the Singh Durbar Gherau Movement.

12 The Kamaiya in five districts submitted a memorandum to the CDOs of the respective districts, and staged sit-ins in front of the DAOs.

13 Kamaiya couple Dip Rani Tharu and her husband Janak Ram Tharu from Bardiya led the demonstration in Kathmandu.

— In Gulariya, Bardiya district, a grand demonstration was held by Kamaiya in support of the Kathmandu movement.

— The leader of the main opposition party, CPN–UML, Madhav Kumar Nepal, and other opposition groups threatened gridlock in parliament on 14 July if the Kamaiya were not set free.

14 In the face of the threat, the government did not convene the parliament. As a result, the demonstrators carried out their promise to move into the off-limit area in front of the parliament and were prepared to be arrested.

17 The demonstration in Kathmandu stepped up pressure. The Kamaiya were baton charged and arrested, but later set free as the Minister for Land Reforms and Management Siddha Raj Ojha declared the system abolished in parliament. [2 Shrawan 2057 BS].

25 Victory day celebrated by over 2,000 ex-Kamaiya in a huge rally in Gulariya, Bardiya. It was decided that the ex-Kamaiya of Bardiya would have to get their share of crops of the rainy season [due to their investment of labour] and only then come out from the landlords' houses.

31 Kailali DDC unanimously decided to reject the government's decision to waive the Sauki.

July-September

Emergency relief work, as Kamaiya were evicted from their homes by the Kamaiya lords.

August

6 About 16,000 Kamaiya attended a victory rally in the pouring rain in Kailali. Kailali DDC Chairman Narayan Dutta Mishra issued a statement stating that he disagreed with the national government's order to rescind bonded labourers' loans from the Kamaiya lords.

9 The Kamaiya lords formed an organisation, Kisan Hakhit Samrakshan Manch [Forum for Protection of Farmers' Rights]. The Forum filed a writ with the Supreme Court demanding government compensation of the Sauki given to the Kamaiya by the Kamaiya lords.

— Kailali Land Reforms Officer Maheshwor Niraula stated that he estimated that 20 to 40 percent of the Kamaiya registration forms may have been filed by non-Kamaiya.

23 A consultation was held on possible support to recently freed bonded labour by the National Planning Commission, HMG/N. Secretary Yoddha Shah, Ministry of Land Reforms and Management requested emergency aid for 8,000 families with no land or shelter.

September

18 A high level government coordinating committee announced plans to implement an emergency food assistance programme and to distribute government land to ex-Kamaiya.

October

23 Memorandums were sent to the prime minister through the CDOs of the five districts demanding rehabilitation of the ex-Kamaiya.

24 Dissatisfied with the lack of progress of government rehabilitation, the KMAPS and the Kamaiya Struggle Committee decided to launch a new campaign.

30 About a thousand liberated Kamaiya demonstrated in Gulariya, against the continued oppression by the Kamaiya lords and the governments' apathy to rehabilitation.

November

6 A rally in Dhangadhi demanded 10 katta of land, effective implementation and speedy supply of relief material.

21 Aid for ex-Kamaiya was sanctioned as a US $ 3.5 million project.

24 DDCs of all the five districts gheraued [besieged]. About 7,000 Kamaiya from all five districts participated in the rally and sit-in in Dhangadhi to demand 10 katta of land per ex-Kamaiya family. Fifteen rallyists were injured during a police baton charge.

25-26 A workshop on free Kamaiya movement for further action was held at Thakurwara, Bardiya.

27 Dilli Chaudhary rejected the aid package saying 'land first, then other support'.

December

— Survey of freed Kamaiya by NGOs.

19 Kamaiya and supporters blocked the main highway in five districts of south western Nepal in support of their demand of 10 katta of land for each liberated family.

26 Highway blockaded from Kohalpur of Banke to Gadda Chauki of Kanchanpur.

27 Rally and sit-in at the DAO and mass meeting at Gulariya in Bardiya.

2001

January

9 Kanchanpur district officials decided to provide 10 katta of land to all liberated families with more than five members and five katta of land to those with less than five family members. However, this was not implemented.

— RKJS arranged the temporary camps for ex-Kamaiya in Jainpur, Gulariya Municipality-2, and hundreds of Kamaiya rushed there.

17 Self-restoration of land began. Fed-up with the delay, often deliberate, of the entrenched interests within the government, the ex-Kamaiya began to restore land to themselves, moving into undesignated forestland. Over 3,000 families occupied land in different places. Forest department officials tried to stop them, but failed.

18 Thousands of ex-Kamaiya and Sukumbasi occupied a large field of cotton farm at Chaudharipur, Gauripara.

25 Interaction programme on ex-Kamaiya rehabilitation in Nepalgunj, Banke.

29 Some ex-Kamaiya left the forest on the assurance of the DDC, Kailali that they would be temporarily settled along the East-West Highway.

February

3 Forest officials with the help of 300 armed riot police evicted 7,000 ex-Kamaiya from the huts they had erected on self-restored land in the cotton fields, and then burnt the huts.

19 Government formed the High Level Land Registration Committee, HLLRC, with full authority.

March

22 District Land Reforms Office [DLRO] and HLLRC was gheraued by about 250 ex-Kamaiya and KMAPS members in Ghorahi, Dang.

April

5 Ex-Kamaiya living in different separate sections from Jainpur camp occupied the land of Laungahawa Phanta, Sailahi Phanta, Banahawa Phanta in Baniyabhar VDC, Bangai Phanta in Dhadhawar VDC and Gujarana Phanta in Gulariya Municipality-2.

June

1 Regicide. King Birendra, Queen Aishwarya and other royals murdered.

2 Prince Dipendra declared King.

4 King Dipendra died. Gyanendra Bir Bikram Shah Dev declared King.

July

26 Sher Bahadur Deuba of NC becomes prime minister for the second time.

Prime Minister Deuba announces peace talks with Maoists, and the truce begins.

August

The District Forest Office of Kailali destroys small huts made by ex-Kamaiya in Baskota area. Forest guards and riot police destroy whatever crops they had.

October

3 Report of the Financial Review of KMAPS submitted by Satyal S, of Upadhya & Co. The financial review was commissioned by Save the Children–US in the background of allegations of corruption and mismanagement in KMAPS.

November

Maoists declared that peace talks had failed, and that the truce was no longer justified. Subsequently, they launched coordinated attacks on army and police posts.

26 State of emergency was imposed on Nepal.

2002-2003

2002 February to 2003 December:

FKS expanded to all settlements in five districts. The organisation was strengthened. With expansion, it carried out demonstrations, gave memorandum, conducted sit-ins and picketing. It gave momentum to the land restoration movement.

2002

January

22 FKS, an independent organisation of ex-Kamaiya, formed by merging the Freed Kamaiya Progressive Society, Kamaiya Jagaran Samiti and Kamaiya Struggle Committee.

February

18 FKS started organisation building and expansion campaign

in all five districts.

March Many CSOs, bilateral and multilateral agencies started various types of programmes for rehabilitation.

22 Government of Nepal passed a law prohibiting Kamaiya bonded labour.

October

4 Citing incompetence and the continued rebel attacks, King Gyanendra sacked Prime Minister Sher Bahadur Deuba and took all authority into his hands.

11 King appointed Lokendra Bahadur Chand of RPP as prime minister for the fourth time.

November

District Land Reforms Office in Kanchanpur, called on the left-out Kamaiya to report their situation and apply for inclusion within the list of ex-Kamaiya. It received 1,822 applications.

December

BASE conferred with Anti-Slavery Award for its role in the Kamaiya liberation movement.

2003

January

29 Ceasefire between the government and the CPN [Maoist] was declared. It was to last till 27 August 2003.

— 'Inter-agencies coordination on freed Kamaiya issues', a forum of international NGOs, bilateral and multilateral agencies was formed in Nepalgunj.

March-May

AAN Study by Y B Gurung on the status of ex-Kamaiya, covering 66,143 ex-Kamaiya, 31,435 women and 34,708 men in 11,313 ex-Kamaiya households.

March

7 Statue of late Radhakrishna Tharu was unveiled by former PM Sher Bahadur Deuba in Gulariya Bazaar.

May

24 FKS disagreed on the pace of rehabilitation done by government, and protested. FKS had cooperated with the government at the field level till then.

June

4 Freed Kamaiya under the leadership of FKS started a movement for restoring land. They captured the non-registered lands of Munuwa, Chuwa, Pratappur, Bauniya and Kotatulsipur in Kailali district.

5 Under pressure from opposition parties, Prime Minister Chand resigned. King Gyanendra replaced him with another royalist, Surya Bahadur Thapa of RPP, who became Prime Minister for the fifth time.

13 FKS had mass demonstrations and went in a procession to submit a memorandum to the Prime Minister through the CDOs of four districts.

July

22 Freed Kamaiya Programme and Budget Mapping Dissemination Workshop held in Nepalgunj organised by inter-agencies coordination on freed Kamaiya issue.

24 CDO of Banke issued a letter to concerned agencies, which were involved in 'Inter-agencies coordination on freed Kamaiya issues' and programme and budget mapping workshop, calling for help in investigating corruption into Kamaiya sector on the basis of news printed by papers.

— FKS, Kanchanpur announced that it would go in for a strike if the issue of the left-out Kamaiya was not settled by the end of August.

August

27 The ceasefire declared on 29 January 2003 was called off by the CPN [Maoist] when the peace process with the government broke down. Three rounds of peace talks between the government and the CPN [Maoist] took place in April, May and August. The CPN [Maoist] declared it was withdrawing from the talks because the government had failed to implement agreements reached during the second round of talks and would not agree to setting up a constituent assembly.

2004

January

7 District Conference of FKS, Bardiya held in the process of

signature campaign

31 District Conference of FKS, Dang held in the process of signature campaign

February

18 FKS started a two and half months long signature campaign for systematic and effective rehabilitation. It proposed to submit the signatures, finally, to the Prime Minister of Nepal.

24 FKS organised a protest rally in Dhangadhi to oppose the delay of rehabilitation work done by the government, and again forwarded a 12-point demand to the Prime Minister.

March

2 Freed Kamaiya of Andaiya captured the land of old airport of Dhangadhi, Kailali.

April

22 High Level Commission for Kamaiya Resettlement was constituted with Dilli Bahadur Chaudhary of BASE as Chairperson.

27-May 8

FKS launched signature campaign in Kathmandu in support of their rehabilitation.

May

12 German Technical Cooperation Agency [Gesellschaft für Technische Zusammenarbeit [GTZ] terminated the Freed Kamaiya Food Security Project [FKFSP] in Dhangadhi due to the Maoist movement.

June

3 Prime Minister Thapa resigned in May 2004, amid continued demonstrations. King Gyanendra reinstated Deuba as prime minister for the third time.

16 District Conference of FKS, Kailali held in Dhangadhi. The representatives passed a resolution to capture more land for freed Kamaiya who were in trouble and not rehabilitated.

July

16 An FKS delegation handed over the signatures of nearly 117,000 people who had supported to their immediate and effective rehabilitation to the prime minister.

July

17 Liberation Day celebration by freed Kamaiya in all five districts.

— In Kailali, a group of more than 500 ex-Kamaiya stormed Tikapur airport – the site of their first camp – and captured it. They demanded adequate land and proper rehabilitation.

— In Bardiya, about a thousand ex-Kamaiya demanded ten katta of land, no discrimination between various types of card holders in access to government rehabilitation measures.

— In Dang, a group of more than 100 ex-Kamaiya captured the land of Kapasi Bagiya and settled there.

August

4 FKS organised a rally of thousands of ex-Kamaiya in Ghorahi, Dang. They demanded immediate rehabilitation.

— In Bardiya, a group of thousand ex-Kamaiya captured the land of Cotton Development Committee located at Kalika VDC, Kumbhar.

September

In Dang, ex-Kamaiya of various places captured the non-registered land in their respective areas.

October

In Kailali, a group of ex-Kamaiya captured the land of Timber Corporation of Nepal (TCN) located at Hasuliya VDC.

CHAPTER 12

Annex 2: Model complaint

Date: 2057.02.01

To,
The Chief District Officer,
District Administration Office, Kailali

Subject: Taking action regarding Kamaiya liberation

Sir,
We would like to inform you that Shiva Raj Pant has been exploiting our labour. We urge you to compensate our wages from Shiva Raj Pant, to liberate us from bonded labour, and to take necessary action against Shiva Raj Pant, the perpetrator of injustice.

We also request Informal Sector Service Centre (INSEC), Backward Society Education (BASE), Centre for Legal Research and Resource Development (CeLRRD), Creation of Creative Society (CCS), Group for International Solidarity (GRINSO), NGO Federation Nepal, Nepal National Dalit Social Welfare Organisation (NNDSWO), Terai Community Forest Action Team (TECOFAT), Human Rights Awareness and Social Development Centre (HURASDC), Liberation Council, Coalition for Human Rights Protection Forum, Rural Reconstruction Nepal (RRN) and Human Rights and Environment Protection Centre (HURPEC) to file petition on our behalf.

Petitioners

1. Gabbar Chaudhary
2. Pati Ram Chaudhary
3. Takeshowar Chaudhary
4. Ram Lal Chaudhary
5. Sakhuwa Chaudhary
6. Bisam Raj Chaudhary Nepal
7. Thaggu Chaudhary
8. Bal Bahadur Kumal
9. Punuwa Chaudhary
10. Phulpati Chaudhary
11. Ramesh Magar
12. Bhaya Ram Chaudhary
13. Dothe Chaudhary
14. Raj Deo Chaudhary
15. Ram Bahadur Chaudhary
16. Jog Ram Chaudhary
17. Gopal Chaudhary

(Petition filed by the Kamaiya kept by lord Shiva Raj Pant at the District Administration Office, Kailali for their liberation from bonded labour.)

Date: 2057.02.01

To,
The Chief District Officer,
District Administration Office, Kailali
Subject: Taking action regarding Kamaiya liberation

Sir,
In relation to taking action regarding Kamaiya liberation, we would like to inform you that 19 (nineteen) Kamaiya (bonded labourers) from ward No. 6 of Geta VDC kept by Shiva Raj Pant, resident of the same VDC ward No. 3, Kailali district, have informed us that you refused to register a petition they filed jointly for their release from

bonded labour from Shiva Raj Pant. You can verify it with us. They have also requested us to file a petition on their behalf for their freedom from bonded labour. We have submitted this petition enclosing their request here with it. We request you to register this petition.

We also request you to take necessary action to liberate the Kamaiya as per the constitutional and legal provisions, to provide wages and proper compensation to their labour, to rehabilitate them and to take necessary action against Shiva Raj Pant who has kept Kamaiya and exploited their labour.

Petitioners

1. Informal Sector Service Centre (INSEC)
2. Backward Society Education (BASE)
3. Centre for Legal Research and Resource Development (CeLRRD)
4. Creation of Creative Society (CCS),
5. Group for International Solidarity (GRINSO)
6. NGO Federation Nepal
7. Nepal National Dalit Social Welfare Organisation (NNDSWO)
8. Terai Community Forest Action Team (TECOFAT)
9. Human Rights Awareness and Social Development Centre (HURASDC)
10. Liberation Council
11. Coalition for Human Rights Protection Forum (CHRPF)
12. Human Rights and Environment Protection Centre (HURPEC)
13. Kamaiya Liberation Forum (KLF) – Kailali
14. Agricultural Labour Association – Kailali
15. Seto Gurans Rastriya Bal Bikas Kendra – Kailali
16. Nepal National Social Welfare Association (NNSWA) – Kanchanpur
17. Rural Reconstruction Nepal (RRN) – Bardiya

Cc:

1. Right Honourable Prime Minister
   Prime Minister's Office, Singha Durbar, Kathmandu
2. Honourable Home Minister

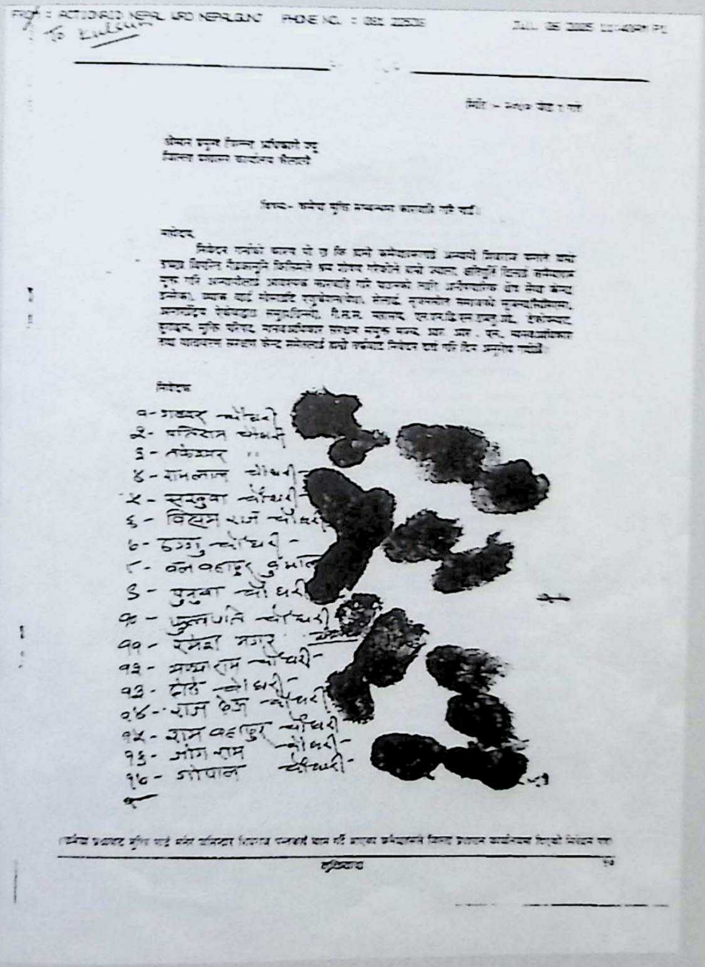
Ministry of Home, Singha Durbar, Kathmandu
3. Honourable Labour Minister
Ministry of Labour, Singha Durbar, Kathmandu
4. Honourable Minister for Land Reforms
Ministry of Land Reforms, Singha Durbar, Kathmandu

(Petition submitted by 17 non-government organisations to the District Administration Office, Kailali for the liberation of Kamaiya, bonded labourers.)

CHAPTER

13

Annex 3: Picture of actual complaint



To Kulsum

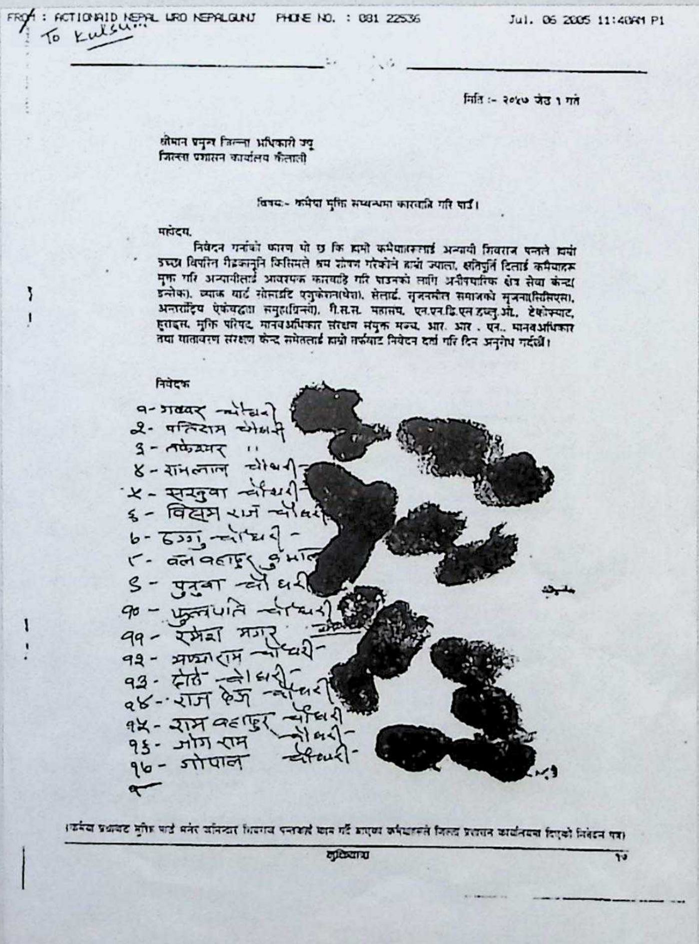
१- गब्बर चौधरी
२- पतिराम चौधरी
३- तंकेश्वर "
४- रामलाल चौधरी
५- सखुवा चौधरी
६- विश्राम राजे चौधरी
७- ठग्गु चौधरी -
८- बलबहादुर कुमाल
९- पुतुवा चौधरी
१०- फुलपति चौधरी
११- रेनुका मगर
१२- मग्गाराम चौधरी-
१३- टीले चौधरी-
१४- राज केश चौधरी
१५- राम बहादुर चौधरी
१६- अंगराम चौधरी-
१७- गोपाल चौधरी-

Ministry of Home, Singha Durbar, Kathmandu
3. Honourable Labour Minister
Ministry of Labour, Singha Durbar, Kathmandu
4. Honourable Minister for Land Reforms
Ministry of Land Reforms, Singha Durbar, Kathmandu

(Petition submitted by 17 non-government organisations to the District Administration Office, Kailali for the liberation of Kamaiya, bonded labourers.)

CHAPTER 13

Annex 3: Picture of actual complaint



FROM : ACTIONAID NEPAL URO NEPALGUNJ PHONE NO. : 081 22536 Jul. 06 2005 11:40AM P1

To Kulsu...

मिति :- २०५७ जेठ १ गते

श्रीमान प्रमुख जिल्ला अधिकारी ज्यु
जिल्ला प्रशासन कार्यालय कैलाली

विषय:- कमैया मुक्ति सम्बन्धमा कारवाहि गरि पाउँ।

महोदय,

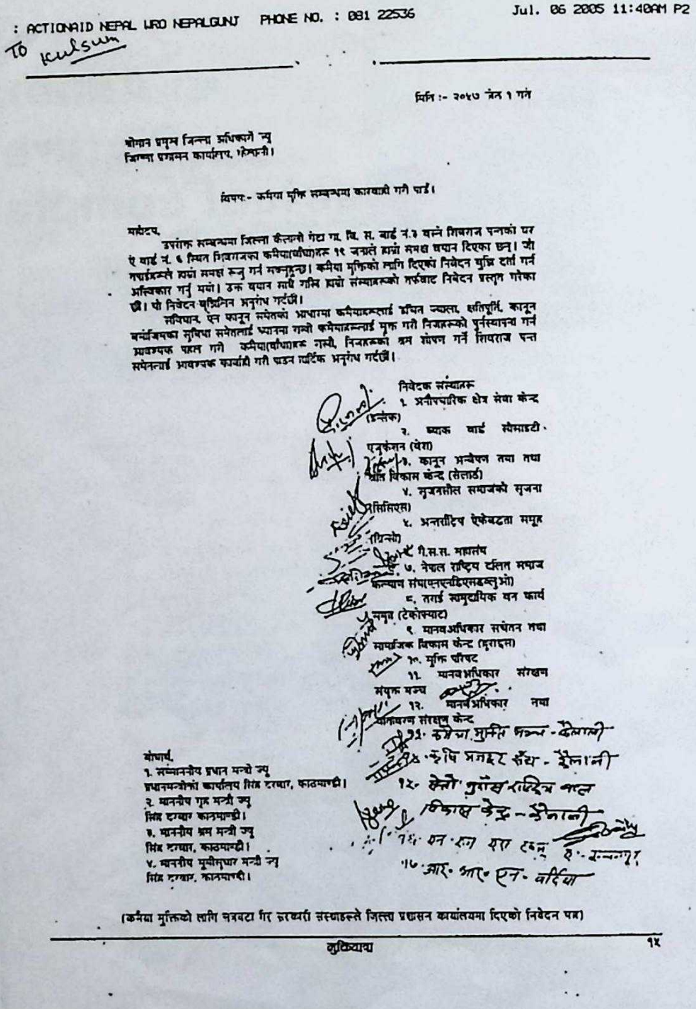
निवेदन गर्नाको कारण यो छ कि हामी कमैयाहरूलाई अन्यायी शिवराज पन्तले हामीं उच्च विपरित गैरकानुनि किसिमले श्रम शोषण गरेकोले हाम्रो ज्याला, क्षतिपूर्ति दिलाई कमैयाहरू मुक्त गरि अन्यायीलाई आवश्यक कारवाहि गरि पाउनको लागि अनौपचारिक क्षेत्र सेवा केन्द्र(इन्सेक), ब्याक वार्ड सोसाइटि एजुकेशन(बेस), सेलाई, सृजनशील समाजको सृजना(सिसिएस), अन्तर्राष्ट्रिय ऐक्यबद्धता समुह(ग्रिन्सो), गी.स.स. महासंघ, एन.एन.डि.एस.डब्लु.ओ., टेफोस्याट, हुराइस, मुक्ति परिषद, मानवअधिकार संरक्षण संयुक्त मन्च, आर. आर . एन., मानवअधिकार तथा वातावरण संरक्षण केन्द्र समेतलाई हाम्रो तर्फबाट निवेदन दर्ता गरि दिन अनुरोध गर्दछौं।

निवेदक

१- गब्बर चौधरी
२- पल्टिराम चौधरी
३- तफेश्वर ''
४- रामलाल चौधरी
५- सरुवा चौधरी
६- विश्राम राज चौधरी
७- ठग्गु चौधरी
८- वल वहादुर कुमाल
९- पुतुवा चौधरी
१० - फुलपाति चौधरी
११- रमेश मगर
१२- मण्डाराम चौधरी
१३- ढोठे चौधरी
१४- राज देउ चौधरी
१५- राम वहादुर चौधरी
१६- जोग राम चौधरी
१७- गोपाल चौधरी

(कमैया प्रथाबाट मुक्ति पाउँ भनेर जमिन्दार शिवराज पन्तलाई [illegible] गर्दै आएका कमैयाहरूले जिल्ला प्रशासन कार्यालयमा दिएको निवेदन पत्र)

कृषियात्रा १७



: ACTIONAID NEPAL WRO NEPALGUNJ PHONE NO. : 081 22536 Jul. 06 2005 11:40AM P2

TO Kulsum

मिति :- २०५७ चैत १ गते

श्रीमान प्रमुख जिल्ला अधिकारी ज्यू
जिल्ला प्रशासन कार्यालय, कैलाली।

विषय:- कमैया मुक्ति सम्बन्धमा कारबाही गरी पाऊँ।

महोदय,

उपरोक्त सम्बन्धमा जिल्ला कैलाली गेटा गा. वि. स. वार्ड नं.३ बस्ने शिवराज पन्तको घर ऐ वार्ड नं. ६ स्थित शिवराजका कमैया(बाँधा)हरू १९ जनाले हाम्रो समक्ष बयान दिएका छन्। यी गवाईहरूले यहाँ समक्ष रुजु गर्न सक्नुहुन्छ। कमैया मुक्तिको लागि दिएको निवेदन पुलिस दर्ता गर्न अस्वीकार गर्नु भयो। उक्त बयान साथै गरिब हाम्रो संस्थाहरूको तर्फबाट निवेदन प्रस्तुत गरेका छौं। यो निवेदन बुझिलिन अनुरोध गर्दछौं।

संविधान एवं कानून समेतको आधारमा कमैयाहरूलाई उचित व्यवस्था, क्षतिपूर्ति, कानून बमोजिमका सुविधा समेतलाई ध्यानमा राखी कमैयाहरूलाई मुक्त गरी तिनीहरूको पुनर्स्थापना गर्न आवश्यक पहल गरी कमैया(बाँधा)हरू राखी, तिनीहरूको श्रम शोषण गर्ने शिवराज पन्त समेतलाई आवश्यक कार्यवाही गरी पाउन हार्दिक अनुरोध गर्दछौं।

निवेदक संस्थाहरू
१. अनौपचारिक क्षेत्र सेवा केन्द्र (इन्सेक)
२. ब्याक वार्ड सोसाइटी एजुकेशन (बेस)
३. कानून अन्वेषण तथा स्रोत विकास केन्द्र (सेलार्ड)
४. सृजनशील समाजको सृजना (सिसिएस)
५. अन्तर्राष्ट्रिय ऐक्यबद्धता समूह (ग्रिन्सो)
६. गी.स.स. महासंघ
७. नेपाल राष्ट्रिय दलित समाज कल्याण संघ(एनएनडिएसडब्लुओ)
८. तराई सामुदायिक वन कार्य समूह (टेकोस्यार)
९. मानवअधिकार सचेतन तथा सामाजिक विकास केन्द्र (हुराइस)
१०. मुक्ति परिषद
११. मानवअधिकार संरक्षण संयुक्त मञ्च
१२. मानवअधिकार तथा वातावरण संरक्षण केन्द्र
१३· कमैया मुक्ति मञ्च - कैलाली
१४· कृषि मजदूर संघ - कैलाली
१५· सेतो गुराँस राष्ट्रिय बाल विकास केन्द्र - कैलाली
१६· एन·एन एस टकनपुर ट· कञ्चनपुर
१७· आर· आर· एन· बर्दिया

बोधार्थ,
१. सम्माननीय प्रधान मन्त्री ज्यू
प्रधानमन्त्रीको कार्यालय सिंह दरबार, काठमाण्डौ।
२. माननीय गृह मन्त्री ज्यू
सिंह दरबार काठमाण्डौ।
३. माननीय श्रम मन्त्री ज्यू
सिंह दरबार, काठमाण्डौ।
४. माननीय भूमीसुधार मन्त्री ज्यू
सिंह दरबार, काठमाण्डौ।

(कमैया मुक्तिको लागि सत्रवटा गैर सरकारी संस्थाहरूले जिल्ला प्रशासन कार्यालयमा दिएको निवेदन पत्र)

CHAPTER 14

Annex 4: Kamaiya Labour (Prohibition) Act, 2002

[Unofficial translation]

Preamble

Whereas it is expedient to make necessary provisions in respect to prohibiting Kamaiya labour and rehabilitating and raising the living standard of freed Kamaiya from the viewpoint of social justice.

Now therefore, the parliament has enacted this law in the first year of the reign of His Majesty King Gyanendra Bir Bikram Shah Dev.

Chapter 1

Preliminary

1. Short Title and Commencement

(1) This law shall be known as the Kamaiya Labour (Prohibition) Act, 2002.

(2) It shall come into force at once.

2. Definitions

Unless otherwise meant with reference to the subject or context in this Act,

(a) Kamaiya Labour means the labour or service to be provided by a person to his creditor without any wages or at low rates of wages for the following reasons.
   (1) To repay loans obtained by him or any member of his family or to pay interest thereon.
   (2) To repay loans obtained by his ancestors, or to pay interest thereon.
   (3) To repay the Kamaiya loans of Kamaiya labourer for whom he had provided surety to the creditor.

(b) Kamaiya Labourers means persons who provide Kamaiya labour as Bhainsbar, Gaiwar, Vardikar, Chhekarbar, Haruwa, Charuwa, Hali, Gothalo, Kamalariya or under similar other names.

(c) Kamaiya loans mean cash, goods, or commodities obtained by a Kamaiya labourer from his creditor the term includes Sauki or other loans.

(d) Creditor means a person who has provided a loan to a Kamaiya labourer.

(e) Family includes father, mother, husband, wife, son or unmarried daughter, the term includes coparceners of an undivided family headed by a person who is himself working as a Kamaiya labourer.

(f) Freed Kamaiya means a Kamaiya who has been freed under section 3.

(g) Committee means the Freed Kamaiya Rehabilitation and Monitoring Committee formed under section 8.

(h) Welfare Officer means the Welfare Officer mentioned in section 10.

(i) Fund means the fund mentioned in section 12.

(j) Agricultural Labourer means a person who performs functions prescribed by HMG by notification in the Nepal Rajpatra.

(k) Proscribed or as prescribed means prescribed or in the manner prescribed in the rules framed under this Act.

Chapter 2

Provisions Concerning Prohibition of Kamaiya Labour

3. Freedom from Kamaiya Labour

Persons working as Kamaiya labourers at the time of the commencement of this Act shall be ipso facto freed from Kamaiya labour after the commencement of this Act.

4. Prohibition to Employ any person as Kamaiya Labourer

After the commencement of this Act, no person shall keep or employ any other person as a Kamaiya labourer.

Chapter 3

Provisions Relating to Kamaiya Loans

5. Kamaiya Loans Need Not be Repaid

After the commencement of this Act, Kamaiya labourers need not repay the Kamaiya loans obtained by them from their creditors.

6. Bonds or Agreements to be Cancelled

Notwithstanding anything contained in current law, bonds or written or unwritten agreements between creditors and Kamaiya labourers in connection with giving and taking Kamaiya loans shall be ipso facto cancelled after the commencement of this Act.

7. Property Obtained as Mortgage or Security to be Returned

In case any creditor has obtained any property as mortgage or security while supplying Kamaiya loans to a Kamaiya labourer, such property must be returned to the concerned person within three months from the date of commencement of this Act.

Chapter 4

Composition, Functions, Duties and Powers of the Committee

8. Composition of the Committee

(1) In districts prescribed by HMG, a Freed Kamaiya Rehabilitation and Monitoring Committee shall be formed for the purpose of working at the district level for the rehabilitation of freed Kamaiya.

(2) The Committee shall be composed as follows:

- (a) Chairman of the District Development Committee
  - - Chairman
- (b) Chief of the District Police Office
  - - Member
- (c) Chief of the District Education Office
  - - Member
- (d) An officer of the District Administration Office
  - - Member
- (e) Chief of the District Forest Office
  - - Member
- (f) Chief of the District Land Reforms Office

- Member

(g) Chief of the Labour Office in districts where such offices exist
- Member

(h) Chief of the District Agricultural Development Office
- Member

(i) One Person from among Chiefs of district level banking offices
- Member

(j) One person from among district level organisations and associations related to peasants
- Member

(k) Not more than three persons from among trade union organisations and associations
- Member

(l) One person from among non-governmental organisations working in relation to Kamaiya labourers
- Member

(m) One person from among freed Kamaiya
- Member

(n) The welfare officer
- Member Secretary

(3) Members mentioned in clauses (1), (j), (k), (l) and (m) of sub-section (2) shall be nominated by the chairman of the committee and they shall have a tenure of three years.

(4) Working procedure relating to meetings of the committee shall be as determined by the committee itself.

9. Functions, Duties and Powers of the Committee

The functions, duties and powers of the committee shall be as follows:

(a) To arrange for updating records of freed Kamaiya.

(b) To make necessary arrangements for the rehabilitation of freed Kamaiya.

(c) To implement programme approved by HMG for the rehabilitation of freed Kamaiya.

(d) To monitor whether or not any person is employing any other person as a Kamaiya labourer.

(e) To make recommendation to HMG, banks, or financial institutions to supply loans needed by freed Kamaiya to engage in income generating enterprises.

(f) To establish coordination with different agencies or organisations and associations in matters concerning housing, education, employment-oriented training and skill development of freed Kamaiya.

(g) To perform necessary functions in relation to the rights and interests of freed Kamaiya.

(h) To perform such other function as are prescribed.

Chapter 5

Welfare Officer and Other Provisions

10. Welfare Officer

HMG shall designate one of its officer-employees to function as welfare officer in order to do the necessary in relation to the rights and interests of freed Kamaiya.

11. Functions, Duties and Powers of Welfare Officer

The functions, duties, and powers of the welfare officer shall be as follows:

(a) To prepare records of freed Kamaiya.

(b) To perform functions entrusted and directed by the committee in relation to the rights and interests of freed Kamaiya.

(c) To implement or arrange for the implementation of the decisions made by the committee.

(d) To perform such other functions as are prescribed.

12. Fund

(1) There shall be a fund to take necessary steps in relation to the rights and interests of freed Kamaiya. The fund shall consist of the following amounts:

  (a) Amounts received as grants from HMG.

  (b) Amounts received from foreign individuals, governments, organisations or associations through HMG.

  (c) Amounts received from other sources.

(2) Amounts credited to the fund shall be deposited in an account opened in any bank.

(3) The fund shall be operated by the welfare officer on the direction of the committee and according to the procedure prescribed by HMG.

13. Power to Fix Minimum Wage Rate

(1) HMG shall fix the minimum wage rates of agricultural labourers by notification in the Nepal Rajpatra.

(2) No person shall employ agricultural labourers without wage or at wage below the minimum wage rates fixed under Sub-section (1).

14. Arrangements for Settlement and Employment

HMG shall make arrangements in the prescribed manner for the settlement, employment, and income generation of freed Kamaiya.

Chapter 6

Complaints, Penalties and Appeals

15. Rights to File Complaints

(1) In case any person takes any action in contravention of this Act, the person aggrieved by such action or a member of his family, or an office bearer of an organisation, association, or local body, may file a complaint with the adjudicating authority either verbally or in writing along with all evidence possessed by him.

(2) In case any verbal information is supplied by any person under Sub-section (1), the adjudicating authority shall have the matter prepared in the form of a complaint and also have the informant affix his signature thereon.

(3) Notwithstanding anything contained in current law, the person filling a complaint under Sub-section (1) shall not be required to present himself on prescribed dates for judicial enquiries.

16. Penalties

(1) In case any person employs any other person as a Kamaiya labourer in contravention of Section 4, the adjudicating authority shall punish him with a fine ranging between Rs 15,000 and Rs 25,000 and also have him pay to the minimum wage fixed under this Act for each day of such work.

(2) In case any person fails to return the property obtained by him as mortgage or security under Section 7, the adjudicating

authority shall punish him with a fine ranging between Rs 10,000 and Rs 15,000 and also have such property returned to the concerned person.

(3) In case any person employs any other person without paying him wages according to Section 13, or by paying him wages at a rate lower than the minimum rate, the adjudicating authority shall punish him with a fine ranging between Rs 1,000 and Rs 3,000, also have him pay to the person employed by him an amount double the amount of the minimum wage fixed under this Act for each day of each work.

(4) In case any person opposes or obstructs any other person in the course of investigations into actions taken in contravention of the Act, the adjudicating authority shall punish him with a fine ranging between Rs 3,000 and Rs 10,000.

(5) In case any person takes any action, other than those mentioned in Sub-sections (1), (2), (3), and (4) in contravention of this Act and rules formed hereunder, the adjudicating authority shall punish him with a fine ranging between Rs 1,000 and Rs 3,000.

(6) In case any person files a false complaint intentionally or with the motive of harassing any other person, the adjudicating authority shall punish him with a fine ranging between Rs 1,000 and Rs 3,000.

(7) In case the person who has acted in the manner mentioned in Sub-sections (1), (2), (3), (4), (5) and (6) is a person holding a public post of profit, or in case any person who has already been punished for having acted in contravention of this Act repeats such actions, the adjudicating authority shall punish him with double the penalty mentioned in the said Sub-sections.

17. Adjudicating Authority

The Chief District Officer of the appropriate district shall have power to dispose of cases under this Act.

18. Appeal

Any person who is not satisfied with the decision taken by the adjudicating authority under this Act may file an appeal with the appropriate appellate court within 35 days.

Chapter 7

Miscellaneous

19. Working Procedure Relating to Cases

While taking action on and disposing of cases under this Act, the adjudicating authority shall adopt the procedure laid down in the 1974 Special Court Act.

20. Onus of Proof

In case the claim that any bond or agreement has not been signed for the purpose of supplying Kamaiya/loans is questioned, th e onus of proof shall lie on the claimant.

21. Submission of Reports

(1) The appropriate VDC or Municipality shall inspect whether or not any person is employing any other person within its area in contravention of this Act, and submit its reports to the committee at least once every six months along with its opinion.

(2) The welfare officer must submit reports to HMG on the businesses carried out by the committee during the year.

22. Power of HMG to Issue Directives

For the rehabilitation of freed Kamaiya, HMG may issue necessary directives to the committee and the welfare officer, and it shall be the duty of the committee and the welfare officer to comply with such directives.

23. Power to Frame Rules

HMG may frame necessary rules in order to implement the objectives of this Act.

Royal Seal affixed on Falgun 9, 2058 (February 21, 2002)

दिल्ली रमण रेग्मी कल्याणी रेग्मी स्मारक पुस्तकालय काठमाण्डौं, नेपाल
Dilli Raman Regmi Kalyani Regmi Memorial Library
1997
Kathmandu, Nepal
ACC. No.
11030

ActionAid

ActionAid is an international development organisation registered as a global entity in the Hague, the Netherlands in September 2003. The ActionAid International Secretariat is based in Johannesburg, South Africa. Founded in the United Kingdom in 1972, ActionAid is a secular and non-political organisation working with over nine million of the poorest people. Majority of them live in the developing world in 43 countries across Asia, Africa, Latin America and the Caribbean. ActionAid is committed to improving the quality of life of the poorest and the most excluded people so that they can live a life of dignity.

ActionAid has been working in Nepal since 1982. Its mission here is to empower poor and excluded people to eradicate poverty and injustice. The work of ActionAid International Nepal (AAIN), hereafter referred to as ActionAid Nepal (AAN), over the years has undergone various changes informed by its engagement at the community and other levels. Its scope of work has thus grown in content, coverage, commitment, and capacity to work in a multifarious situation over the period.

AAN changed its approach from direct service delivery to partnership mode with local NGOs in 1996. Similarly, it adopted rights-based approach in 1998 with an aim to creating an environment in which poor and excluded people can exercise their rights, and address and overcome the causes and effects of poverty caused due to injustice and inequity by actively engaging themselves in all aspects of development activities.

Currently, AAN's long-term partnership programmes at field level are being implemented mainly in Achham, Baglung, Baitadi, Bajhang, Bajura, Banke, Bardiya, Chitwan, Dadeldhura, Dang, Darchula, Dhanusha, Dolakha, Doti, Jhapa, Jumla, Kailali, Kanchanpur, Kapilbastu, Kathmandu, Khotang, Lalitpur, Mahottari, Morang, Mugu, Parbat, Parsa, Rasuwa, Saptari, Sarlahi, Sindhupalchowk, Siraha and Sunsari districts. Besides these, AAN has several short-term engagements at any time with about 175 NGOs, CBOs, Alliances, Networks and Forums across the country.

AAN's rights holders are the poorest and the most excluded people particularly women, children, Dalits, former Kamaiya, victims of conflict and disasters, poor landless and tenants, people with disabilities, urban poor, people living with HIV and AIDS, and indigenous peoples. In 2003, AAN prioritised five themes based on the local context and needs - Education, Food Security, HIV and AIDS, Peace Building, and Women's Rights. These apart, AAN is also engaged in issues such as Emergency and Disaster, Globalisation, Governance, Gender Equity, and Social Inclusion that cut across our priority themes.

AAN works at the grassroots and national levels with various advocacy programmes in order to influence public policies and practices in favour of the poorest and the most excluded people and to address their immediate conditions.

As a chapter of ActionAid International, AAN is also actively engaged in advocating at the regional and international levels on issues such as Education, HIV and AIDS, Food Security, Gender Equity and Governance that cut across globally, to campaign for pro-poor policies and to enable the poor and excluded people to secure their rights.

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ISBN 99946-800-2-1
9789994680023